

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION****February 9, 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.

Commissioner Sesler led in the Pledge of Allegiance.

SWEARING IN OF NEWLY-APPOINTED COMMISSIONERS

City Clerk Brenda Green swore-in Commissioners Jeff Mathews and Stephan Andranian.

ROLL CALL

Present: Commissioner Jeff Mathews, Acting Chair
Commissioner Colin McCarthy
Commissioner Tim Sesler
Commissioner Stephan Andranian

Absent: Vice-Chair Robert Dickson

Staff: Claire Flynn, Assistant Development Services Director
Christian Bettenhausen, Planning Commission Counsel
Fariba Fazeli, City Engineer
Mino Ashabi, Principal Planner
Mel Lee, Senior Planner
Dan Inloes, Associate Planner
Martha Rosales, Recording Secretary

ELECTION OF OFFICERS

Due to the Commission's unique circumstances, Acting Chair Mathews requested a motion to continue the matter at hand.

PUBLIC COMMENTS - None

MOTION: Continue Election of Officers and appointment of NMUSD Representative to the February 23, 2015 Planning Commission meeting. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

The motion carried by the following roll call vote:

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

PUBLIC COMMENTS

Ann Parker, Costa Mesa resident, requested an update regarding the Sober Living R2 and R3 Zone ordinance.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

The Commissioners congratulated Vice-Chair Dickson and his family on the birth of their daughter. They also welcomed Commissioner Mathews for another term and congratulated and welcomed newly-appointed Commission Andranian to the Planning Commission.

Commissioner McCarthy thanked everyone who participated in the Mesa-Verde Classic held over the Martin Luther King weekend, spoke about losing a seat on the OCTA Board and gave an update regarding the proposed Christian Science reading room project.

Commissioner Sesler addressed Ms. Parker's concerns regarding the ordinance. Ms. Flynn added the tentative time-frame for the ordinance was late April or early May.

Commissioner Andranian thanked his parents and everyone for their support. He looked forward to working with staff and giving back to the community.

CONSENT CALENDAR:

1. Minutes for the meeting of January 26, 2015.

Commissioner Sesler asked that a typographical error on Page 5 be corrected.

MOTION: Approve the January 26, 2015 Planning Commission Minutes as corrected. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS:

1. **Application No.** PA-14-04 & PM-13-155: Conversion of an existing 4-unit, single-family detached residential development to a small lot subdivision at 191 through 199 Mesa Drive
Applicant: Temir Sacuy
Site Address: 191 through 199 Mesa Drive
Zone: R2-MD
Project Planner: Mel Lee
Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

Description:

- **Planning Application PA-14-04:** The proposed project involves the conversion of an existing one-lot, airspace subdivision of a four-unit, detached residential common-interest development to a small lot subdivision consisting of fee simple lots for ownership. The original residential common-interest development was previously approved under Planning Application PA-06-04. The conversion would eliminate common lots and also the need for an incorporated Homeowner's Association (HOA). No new construction or changes to the existing parking are proposed; and

- **Parcel Map PM-13-155:** A small lot subdivision of the property into 4 fee-simple lots.

Mel Lee, Senior Planner, presented the staff report for a small lot subdivision.

The Commission discussed airspace, change in park fees, Condition of Approval No. 2 and parking spaces.

PUBLIC COMMENTS

Temir Sacuy, applicant, had read the Conditions of Approval and was in agreement with them.

Ann Parker, Costa Mesa resident, concerned with the proliferation of sober living homes, asked what would prevent this project from becoming a sober living home in the future.

Jay Humphrey, Costa Mesa resident, liked the project but was concerned with the open parking spaces.

In closing, Mr. Sacuy addressed the concerns of the public speakers and said the project promoted homeownership and it was an asset to the area.

MOTION: Approve Planning Application PA-14-04 and Parcel Map PM-13-155 based on the evidence in the record, the Findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B. Moved by Commission McCarthy with comment, seconded by Commissioner Sesler.

Commissioner McCarthy stated this was a great project and expressed his support.

RESOLUTION NO. 15-07 - . A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-04 AND PARCEL MAP PM-13-155 FOR PROPERTIES LOCATED AT 191, 193, 195, AND 199 MESA DRIVE.

The motion carried by the following roll call vote:

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

Acting Chair Mathews explained the appeal process.

2. **Application No.:** PA-15-02: Minor Conditional Use Permit and Development Review for construction of a new drive-through restaurant at 3150 Harbor Boulevard
Applicant: Phil Schanberger
Site Address: 3150 Harbor Boulevard
Zone: C1
Project Planner: Dan Inloes
Environmental Determination: The project is categorically except under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (new construction).

Description:

- **Minor Conditional Use Permit and Development Review** for construction of a new drive-through restaurant approximately 3,823 square feet in size. The existing

Burger King restaurant with drive-through is slated for demolition. The proposed "Raising Cane's" restaurant will be open from 10AM to 12 midnight (Sunday through Wednesday) and 10AM to 2AM (Thursday through Saturday).

Dan Inloes, Associate Planner, presented the staff report and responded to questions from the Commission regarding the drive-through hours, amending Condition of Approval No. 3, the existing masonry wall and the pole sign. Ms. Flynn provided additional information regarding the pole sign.

PUBLIC COMMENTS

Robert Montgomery with Raising Cane's, agreed with the Conditions of Approval and was excited to get the project approved because it would be their first restaurant in California. Mr. Montgomery gave a presentation regarding the project.

Mrs. Drain, Costa Mesa resident, expressed concerns with the pole sign and the area not being walk/bike ability friendly. She requested a cut-in for the bus stop on south Harbor Blvd.

Beth Refakes, Costa Mesa resident, had concerns with the pole sign and the landscaping. She hoped the applicant would consider a monument sign and drought tolerant landscaping.

Mr. Montgomery addressed the concerns regarding the bus bay, the pole sign and drought-tolerant plants. Ms. Flynn provided additional information regarding the bus bay.

MOTION: Approve Planning Application PA-15-02 by adoption of the Planning Commission resolution, based on the evidence in the record and the Findings set forth in Exhibit A, subject to the Conditions of Approval in Exhibit B with the following inclusions and revisions to the conditions of approval:

Add:

- 16. Upon issuance of a building permit for the Raising Cane's restaurant building, all previous use permits and variances related to the existing Burger King restaurant shall be revoked.**
- 17. Prior to issuance of a final certificate of occupancy, property owner shall remit a letter agreement to the Public Services Director indicating that the land area along the northerly area of the Harbor Street frontage shall be dedicated for a future extension of the 5th lane at Harbor Boulevard and Gisler Avenue. The dedication shall be no greater than 10 feet in length and shall occur at such time the lane extension project is implemented. The form and substance of the letter agreement shall be approved by the City Attorney's office.**
- 18. The drive-through menu board shall have adjustable volume levels which would allow lowering the volume during early morning and late evening hours when background traffic noise is reduced.**
- 19. The installation of a second electronic menu board with speaker(s) (i.e. double drive through) is expressly prohibited. The location of the drive-through menu board shall not be altered to less than 142' feet away from the abutting residential property line as currently proposed, without approval of the Development Services Director.**
- 20. The trash enclosure is currently located 75' feet away from the abutting residential property line and shall not be moved closed to residential without the approval of the Development Services Director.**

21. Applicant shall implement measures to reduce vehicle queue and idling in the drive-through lane at peak times as needed. These measures could include manual order entry by a restaurant staff person outside or requirements for certain customers to park their vehicles for curbside service for large orders taken in the drive-through lane.
22. An outdoor closed-circuit security camera system shall be installed to record views of the parking area, outdoor dining area, and areas along the residential interface.
23. Within 120 days of the business being fully operational, the applicant shall submit a report to the City identifying any complaints received by the residential neighbors and how each complaint was addressed in a timely manner. Failure to take appropriate measures to address complaints will be considered a violation of this condition.

Revise:

1. The uses shall be limited to the type of operation as described in the staff report and conditions of approval. Any change in the operational characteristics of any use including, but not limited to, the hours of operation and additional services provided, shall require review by the Planning Division and may require an amendment subject to the approval of the Zoning Administrator.
5. The conditions of approval for PA-15-02 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
11. Former pole sign must be removed and replaced with a freestanding monument sign in accordance with the sign code.
13. A certified masonry wall shall exist and be a minimum of 6 to 7 feet at all times along east side of property abutting all residential property.

Moved by Commissioner McCarthy, seconded by Commissioner Sesler.

RESOLUTION NO. 15-08 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-02 FOR A CONDITIONAL USE PERMIT FOR PA-15-02.

The motion carried by the following roll call vote:

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

Acting Chair Mathews explained the appeal process.

3. **Application No.:** 14-39: Conditional Use Permit for the construction of a new convenience store at 2281 Newport Boulevard
Applicant: Shawn Mehr
Site Address: 2281 Newport Boulevard
Project Planner: Minoo Ashabi
Environmental Determination: The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (new construction).

Description:

- **Conditional Use Permit** for the construction of a new convenience store approximately 1,190 square feet in size at an existing gasoline service station. The proposal also includes a variance from the required landscape setback requirement to

allow the encroachment of a trash enclosure and parking area (20 foot setback required; 7.5 foot setback proposed). No alcoholic beverage sales are proposed.

Minoo Ashabi, Principal Planner, presented the staff report and advised that a letter of opposition from an abutting business owner had been received citing increased traffic and parking demand concerns.

The Commission inquired about signage compliance for uses and an ancillary alcohol application.

PUBLIC COMMENTS

Sam Rahemian, applicant, had read the Conditions of Approval and was not in agreement with the conditions to record the prohibition of selling alcohol (Conditions of Approval No. 5 and 6). Mr. Rahemian spoke about the signage, security, renovation costs and having the opportunity of alcohol sales in the future.

MOTION: Approve Planning Application PA-14-39 by adoption of the Planning Commission resolution, based on the evidence in the record and the Findings set forth in Exhibit A, subject to the Conditions of Approval in Exhibit B. Moved by Commissioner McCarthy, seconded by Commissioner Andranian.

RESOLUTION NO. 15-09 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION 14-39 FOR A CONDITIONAL USE PERMIT FOR A CONVENIENCE STORE AT 2188 NEWPORT BOULEVARD.

The motion carried by the following roll call vote:

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

Acting Chair Mathews explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Ms. Fazeli reported their Paving Project would be resuming on February 17, 2015 and listed the areas targeted to be paved within a month.
2. Economic and Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, FEBRUARY 23, 2015.

Submitted by:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION