

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION****May 11, 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](http://www.costamesaca.gov) or purchased on DVD upon request.*

City Attorney Yolanda Summerhill led in the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Robert Dickson  
Commissioner Colin McCarthy  
Commissioner Tim Sesler  
Commissioner Stephan Andranian

Absent: Commissioner Jeff Mathews

Staff: Claire Flynn, Assistant Development Services Director  
Yolanda Summerhill, Planning Commission Counsel  
Fariba Fazeli, City Engineer  
Raja Sethuraman, Transportation Manager  
Mino Ashabi, Principal Planner  
Mel Lee, Senior Planner  
Ryan Loomis, Associate Planner  
Martha Rosales, Recording Secretary

**PUBLIC COMMENTS**

A Costa Mesa resident spoke about a 2012 flyer that talked about the fight to reduce traffic, how the high density projects are causing the traffic and the interpretation of open space concepts.

Jay Humphrey, Costa Mesa resident, spoke about the parking standards in the City.

Ann Stone, Costa Mesa resident, thanked the Commissioners for listening to the residents regarding the Victoria project and talked about the noticing for it when it went to Council.

Ann Parker, Costa Mesa resident, applauded the Commissioners for listening to the constituents, spoke about the Victoria project, the hospital grounds at Fairview and redoing a sewer and water structure by the library and community center.

A Costa Mesa resident spoke about the City Council’s decision on the Victoria project, the lack of civic duty in the City and the use of the three-story properties over by Trader Joe’s.

Katie Arthur, Costa Mesa resident, applauded Commissioner McCarthy for reaching out to her on an agenda topic, and spoke about her concerns with the increase in traffic density, a decrease in open space and an increase in parking demand on the East side of Costa Mesa.

## PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Chair Dickson spoke about the procedural process with the Victoria Street project and that the City Council was the final authority on the project. He also stated that City Council did not increase the number of units and approved moving back four roof decks along the east property wall.

Commissioner McCarthy spoke on residential parking standards. He also addressed issues from the public speakers and spoke on the county wide housing issue.

Commissioner Sesler addressed the concerns of the development on the west side.

Commissioner Andranian spoke about the City parking issues and asked staff for an updated parking chart.

Commissioner Dickson continued his comments by thanking everyone for coming down to tonight's meeting and the importance of hearing from the community. He also asked Claire to clarify what happened at City Council meeting with the roof decks for Victoria Project and she responded to his question.

### CONSENT CALENDAR:

1. Minutes for the meeting of April 27, 2015.

**MOTION: Approve Consent Calendar items.**

**Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

The motion carried by the following roll call vote:

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

### PUBLIC HEARINGS:

1. **Application No.** PA-15-06  
**Applicant:** Brett Ettinger  
**Site Address:** 1620 Orange Avenue  
**Zone:** R2-HD  
**Project Planner:** Ryan Loomis

#### **Environmental**

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

**Description:** Design review application for the development of a two-unit, two-story residential development per the residential small lot development standards with the following deviations from code requirements:

- a. Rear yard setback (10 feet required, 5 ft. allowed on case by case basis; 5 feet proposed).
- b. Minor modification for front yard setback distance (20 feet required; 17'-6" proposed).

The project will require a tentative parcel map to facilitate the subdivision of the property into two fee simple lots for ownership purposes; project is conditioned on recordation of the final map.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked about the open space on the project, what else could be built there and about the setbacks. Mr. Loomis responded to the questions.

Chair Dickson asked about the livability of the lot and Mr. Loomis answered the question.

Claire Flynn, Assistant Development Services Director, addressed the rear setback concerns.

## **PUBLIC COMMENTS**

Brett Ettinger, applicant, has read and is in agreement with the Conditions of Approval except for number 17 and addressed his concerns with the condition.

Commissioner McCarthy asked if there were other options to the project and Mr. Ettinger responded no.

Commissioner Sesler asked about the pricing of the homes.

Carolyn Shannon, Costa Mesa resident, addressed concerns about the project's variance.

Sandra Bardo, Costa Mesa resident, stated the property is beautiful and would hate to see all the big trees removed.

Ann Parker, Costa Mesa resident, stated her reason why the surrounding properties did not come and talk against the project.

A Costa Mesa resident spoke about size of the homes and it being the right fit within the community.

Chair Dickson asked staff about the noticing process for the project. He also addressed comments made from the public about sober living homes and what side of the project will have the reduce setbacks. He encouraged taking a look at the landscape plans and elevation.

Commissioner McCarthy stated concerns with the setback issue and what might get approved before the Small Lot Ordinance is enacted.

Commissioner Andranian stated concerns with setting a precedence by approving a project at 5 feet setback instead of 10 feet and with Condition No. 17 verbiage.

Yolanda Summerhill, City Attorney, responded to the concerns of the options to complying with Condition No. 17 and asked staff if the project could get approved with removing the condition and making it work with the 10 foot setback. Mrs. Flynn responded that there is room to remove the condition or modify it.

Commissioner McCarthy asked staff if a precedence with the setback could be set for a future project. Mrs. Flynn responded yes.

Chair Dickson asked applicant if they would be ok with continuing their item. Mr. Ettinger agreed to continue their item.

**MOTION: Continue the item off Calendar to a future date.  
Moved by Commissioner McCarthy, second by Commissioner Andranian.**

The motion carried by the following roll call vote:

Ayes: Dickson, McCarthy, Andranian

Noes: Sesler  
Absent: Mathews  
Abstained: None

2. **Application No.:** ZA-15-09  
**Applicant:** Mary L. Luna  
**Site Address:** 440 Fair Drive, Suite 217  
**Zone:** C1  
**Project Planner:** Mel Lee

**Environmental**

**Determination:** If approved, the project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities). If denied, project is statutorily exempt under Section 15270 (projects which are disapproved).

**Description:** A public hearing will be conducted to consider an appeal of the Zoning Administrator's decision. The following proposal, Zoning Application ZA-15-09, was denied by the Zoning Administrator on March 19, 2015:

Minor Conditional Use Permit for a Low Power FM radio station at 440 Fair Drive, Suite 217, and a 70-foot tall exterior ground-mounted radio tower and antenna. The tower is variously described in the application as a ham radio tower or "CB" (citizens band) tower. Screening of the proposed structure is not currently proposed. The appellant is the International Crusade of the Penny.

Mel Lee, Senior Planner, presented the staff report and introduced Jonathan Kramer, an attorney from Telecom Law Firm that the City retained. Mr. Lee explained that through Mr. Kramer it was confirmed that the antenna in question would not fall under an amateur/ham radio tower instead it would be considered a commercial antenna and because of its height it would be subjected to screening requirements per the zoning code.

Jonathan Kramer, Principal Attorney at Telecom Law Firm, stated his qualifications and explained the technology and legalities of the application.

Commissioner McCarthy asked for clarification regarding the project not being a ham radio, the State and Federal laws and the Municipal Code. Mr. Kramer responded to his questions.

Commissioner Andranian asked about the photographs on handwritten pages 105-106, 48 and 51. Mr. Kramer responded to his questions.

**PUBLIC COMMENTS**

Mark Sanchez, appellant's son, gave a brief introduction of their organization.

Stephen Shobe, Federal Communication Commission Licensed Antenna Technician, addressed the issue of screening, the tower and the antennae.

Joshua McIntosh, Commissioner from the City of Garden Grove, spoke in support of the applicant and the project.

Mary L. Luna, applicant, spoke about what she does in the community and stated that the Federal Communication Commission assigned her to the City. She referenced racism as a reason for the denial of the application and that she felt unwelcomed when asked why they chose Costa Mesa.

Victor Mendez, President and founder of the International Crusade of the Penny, spoke about how the project came to the City.

The Commissioners asked the applicants if getting another type of antenna was possible, if they sought legal council to help with the application process, who put together the response to the denial of the Zoning Administrator and if they are familiar with the municipal code that affects broadcast towers.

Art Goddard, Costa Mesa resident, addressed the faulty representations in the applicant's documentation.

Mrs. Drain, Costa Mesa resident, supported the denial of the project.

Jay Humphrey, Costa Mesa resident, stated concerns with the lack of understandability with the project.

Commissioner McCarthy clarified with Mr. Kramer that they should be focusing on Municipal Code 13-140A section for approval or denial of the project.

Chair Dickson asked staff for a recap of the application process and why it was denied. Mr. Lee responded.

Commissioner Sesler responded to Ms. Luna reference of racism by stating that the applicant did not conduct themselves in good faith tonight and through the whole process; They have heard repeated cries of racism and of unfair treatment yet no evidence to support that charge. He further reinforced that crying racism is a very serious charge in today's environment, in any environment, yet they had no evidence to support it. He found this to be a poor reflection of their organization. He advised that if they go through this process again that they conduct themselves in an honorable way. He also stated that he has worked with staff for years and that they are great individuals and they do not deserve to be defamed or slandered. He said it was not an improper thing to ask an applicant what is their purpose and why do they want to be in our City.

Chair Dickson and Commissioner Andranian both concurred with Commissioner Sesler's comments.

**MOTION: Uphold the Zoning Administrative denial of ZA-15-09 the radio station with a 70-foot tall exterior radio station antennae tower at 440 Fair Drive based on the evidence of the Findings set forth in Exhibit A.  
Moved by Commissioner McCarthy, second by Commissioner Andranian.**

**RESOLUTION 15-26** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S DECISION TO DENY ZONING APPLICATION ZA-15-09 FOR A MINOR CONDITIONAL USE PERMIT FOR A RADIO STATION WITH A 70-FOOT TALL FREESTANDING RADIO TOWER AT 440 FAIR DRIVE, SUITE 217

The motion carried by the following roll call vote:

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

Chair Dickson called a 3-minute break.

Meeting reconvened.

3. **Application No.:** PA-12-02 A2  
**Applicant:** Diamond Star Associates, Inc.  
**Site Address:** 1870 Harbor Boulevard and  
1875 Newport Boulevard  
**Zone:** PDC  
**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:** Second amendment to Master Plan PA-12-02 for the Triangle for the following:

1. Relocate Sutra Lounge from Suite L2-200 (current location) to Suite L1-245 (former Niketown space). This includes an increase for the nightclub from 8,580 square feet in the current space to 11,804 square feet in the new space, or a net increase of 3,224 square feet. Sutra currently operates from 9:00 pm to 2:00 am, three days a week.
2. Conversion of 8,580 square feet of retail square footage to a restaurant use. The Master Plan requires an amendment to allow this square footage to be converted from retail to restaurant to reconfigure the existing Sutra space.
3. Conversion of the 7,000 square feet of approved wine storage use to a retail use.
4. Amendment to the shared parking study and valet parking plan reflecting the above changes.
5. Variance from perimeter open space requirements for an outdoor patio area along W. 19<sup>th</sup> Street frontage for Sutra Lounge (20- foot setback required; 6-feet proposed).

Mr. Lee, Senior Planner, presented the staff report.

Commissioner McCarthy asked about the wine storage, noise impacts, police calls, traffic, and parking.

**PUBLIC COMMENTS**

Don Lamm, applicant, gave an overview of the application and the Triangle property. Mr. Lamm also responded to questions from the Commissioners.

Paul Wilkinson, from LLG, spoke on the parking analysis and responded to questions from the Commissioners.

Richard Kelly, part of the ownership group of Sutra Lounge, responded to the questions from the Commissioners regarding the police calls and the conditions of approval of the operations of the night club.

Mr. Lamm responded to the back-up parking questions from the Commissioners.

Ann Parker, Costa Mesa resident, spoke on the parking, noise and queuing issues.

A Costa Mesa resident expressed concerns with noise, queuing on the streets, traffic, parking, a bar going into the old location and crowds.

A Costa Mesa resident stated she did not get notified and had concerns with the parking in surrounding neighborhoods, noise, and the nuisance behavior of the patrons.

Brett Russell, Costa Mesa resident, spoke in favor of the project.

Beth Refakes, Costa Mesa resident, addressed concerns with the parking, traffic, queuing, criminal activities, signage, and the smoking area.

A Costa Mesa resident spoke in favor of the project.

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

Keith Hall, Costa Mesa resident, addressed concerns with the parking, noise, and urinating in public.

Mike Crosley, Costa Mesa resident, expressed concerns with the parking and stated he was for moving Sutra to the new location.

A Costa Mesa resident stated concerns with the capacity, the spill over into the residential areas and with the lack of enforcement to keep the residents safe.

A Costa Mesa resident spoke in favor of the project.

Rob Arellano, Marketing and Event Director of Sutra, addressed the sound issues and viable solutions that they are implementing like getting rid of the outdoor patio.

Dave Griffith, General Manager of Sutra, addressed the concerns about the police calls and safety issues.

Chair Dickson asked Mr. Griffith how they control the noise coming from the people leaving late at night and Dave responded to the question.

Don Lamm responded to the public speakers comments and stated he is in agreement with the conditions of approval except with number 15. He would like it to be deleted.

Commissioners discussed concerns with parking and addressed public comments concerns.

Commissioner Andranian asked how the enforcement of Conditional Approval No. 4 would happen. Mr. Lee responded.

Chair Dickson stated adding to Exhibit B4 Condition of Approval No. 2 and suggested having more parking for oversized vehicles.

Commissioner McCarthy asked to condition the patio removal that the applicant already agreed to and to include what the applicant stated at the meeting like the concrete over the speakers for noise reduction to be included in the record. He also asked to have staff in six months to come back to the Commission with what happened to the retail space at the wine location, the police calls for Sutra, overflow employee parking stated by the applicant to have happened, and directed transportation division to have a plan to address the parking issues.

**MOTION: Based on the evidence in the record that the Planning Commission hereby approve the Second Amendment to Planning Application PA-12-02 for the Triangle Master Plan PA-12-02 A2 at 1870 Harbor Boulevard and 1875 Newport Boulevard including the relocation of Sutra, the conversion of the 8580 square-feet of Sutra Lounge to a restaurant use, the amendment to the shared parking study and valet parking plan and including revision to the proposed Condition in Exhibit B5 by striking Condition of Approval No. 15 and changing in Exhibit B4 Condition No. 10 by removing the additional outdoor smoking patio and direct staff to bring back the**

proposal for the additional retail space at the wine location at a future time for determination and approval by the Planning Commission not staff level and at that time bring back data on police calls and to condition the overflow parking to continue to both locations represented by the applicant and direct staff to move forward with a parking study for the areas surrounding Triangle Square to assess the need for restricted parking and to prepare a study for consideration by the City Council. Also in Exhibit B4 Condition No. 10 adding the language of the external queuing that Mr. Lee read into the record.

Moved by Commissioner McCarthy, second by Commissioner Andranian

**RESOLUTION 15-27** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-12-02 A2 A SECOND AMENDMENT TO THE MASTER PLAN FOR THE TRIANGLE AT 1870 HARBOR BOULEVARD AND 1875 NEWPORT BOULEVARD

The motion carried by the following roll call vote:

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

Chair Dickson called a 3-minute break.

Meeting reconvened.

4. **Application No.:** PA-14-29/VT-17800  
**Applicant:** Diamond Star Associates, Inc.  
**Site Address:** 671 West 17<sup>th</sup> Street  
**Zone:** MG  
**Project Planner:** Minoo Ashabi

**Environmental**

**Determination:** The City of Costa Mesa proposes to adopt a Mitigated Negative Declaration for the Project. The Initial Study/Mitigated Negative Declaration has been available for review and comment from April 9, 2015 to May 8, 2015. The Mitigated Negative Declaration is based on the finding that, through compliance with the Standard Conditions and Mitigation Measures, the Project's potential significant adverse impacts would be reduced to a less than significant level.

**Description:** The proposed project involves the following:

1. Adoption of an **Initial Study/Mitigated Negative Declaration (IS/MND)**;
2. **Planning Application PA-14-29** – A Master Plan for development of a 177-unit development at the site of an existing industrial office complex (former Argotech). The project consists of demolition of the existing industrial buildings and construction of 177 units including 42 detached live/work units at 0.68 FAR, 89 attached live/work units at 1.14 FAR, and 46 residential lofts at 13 du/acre. All units are three-story buildings with two-car garages and a top-story roof deck. The project includes a 0.61-acre private park; 11 percent open space for live/work units and 41 percent for loft units; with 354 garage parking spaces, and 154 open parking spaces for a total of 508 parking spaces. Compact parking is proposed at 4 percent of total parking supply or 14 percent of uncovered parking supply. The Master Plan includes a minimum of 196 open guest parking required for live/work units. The total parking supply (508 spaces) complies with the overall parking requirement; however, a portion of open parking spaces is provided in two-car garages.

The proposed project includes the following deviations:

- Interior Garage Dimensions. Minimum 20 feet by 20 feet dimension required; 19 feet by 20 feet proposed.
- Minimum Building Separation. Minimum 10 feet between buildings required; 6 feet proposed.
- Floor Area Ratio for Attached Live/Work Units. Maximum 1.0 allowed and up to 1.25 FAR subject to specific findings; 1.15 FAR proposed.

3. Vesting Tentative Tract Map VT-17800 – Subdivision of a 9.0-acre property to allow sale of the units for ownership purposes.

Due to a conflict of interest, Commissioner Andranian recused himself.

Mino Ashabi, principal planner, presented the staff report.

Commissioner McCarthy asked for clarifications with the deviations requested, and the soil condition. He also asked Mr. Sethuraman about bike lanes on Superior Avenue. Raja responded to his question.

Chair Dickson asked about Condition of Approval No. 27 F. Ms. Ashabi responded that we could add language to the condition that it has to be maintained as a workspace only. He also addressed concerns with having a full bath on the work level.

Commissioner Sesler addressed concerns with Condition of Approval No. 18 and Yolanda Summerhill responded to his concerns.

## **PUBLIC COMMENTS**

Don Lamm, applicant, gave a presentation about the project and agrees with all the conditions of approval and mitigated measures.

Commissioners asked the applicant about having a full bathroom on the work level, the trip count, how big the roof tops will be, perimeter of the central park, reasoning behind having the central park, total lot, and the pricing of the units. Mr. Lamm responded.

A Costa Mesa resident addressed concerns with the projects.

Jay Humphrey, Costa Mesa resident expressed concerns with the water usage, sewage demand and parking.

Brian Ginning, Costa Mesa resident, supports the development.

A Costa Mesa resident stated concerns with parking, trash dumping, and traffic.

Scott Fullerton, Costa Mesa resident, spoke in support of the project.

Jackie Paley, Costa Mesa resident, spoke in support of the project.

Bob Babbie, Costa Mesa resident, spoke in support of the project.

Peter Watson, Costa Mesa resident, spoke in support of the project.

Steven Elbush, Costa Mesa resident, spoke in support of the project.

Jim Farrence, Costa Mesa resident, spoke in support of the project.

Chair Dickson asked applicant about the parking for the customers at the live-work units and the esthetics of the project in Condition of Approval No. 12. Mr. Lamm responded.

Commissioner McCarthy thanked everyone who stayed late to comment on the project and all the support that came in for the project.

**MOTION: Based on the evidence in the record the findings contained in Exhibit A and subject to condition of approval of mitigation measures indicated in the mitigated monitoring program contained in Exhibits B, B1 and C and with modifications to the Conditions of Approval including:**

**Condition of Approval No. 18 - add the prohibition of a full bathroom in the ground floor work area.**

**Condition of Approval No. 12 - add any change to the esthetics needs Planning Commission approval.**

**Condition of Approval No. 18 - strike the sentence related to any advertisement.**

**Condition of Approval No. 27e - add the language of annual HOA certification requirements.**

**And that the Planning Commission adopt the negative declaration for the 177-unit Westside Gateway project and approve Planning Application PA-14-29 and Vesting Tentative Tract Map 17800.**

**Moved by Chair Dickson, second by Commissioner McCarthy.**

**RESOLUTION 15-28 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA ADOPTING THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION AND APPROVING PLANNING APPLICATION PA-14-29 AND VESTING TENTATIVE TRACT MAP VTT-17800 FOR PROPERTY LOCATED AT 671 W. 17<sup>th</sup> STREET**

The motion carried by the following roll call vote:

Ayes: Dickson, McCarthy, Sesler

Noes: None

Absent: Mathews

Abstained: None

Recused: Andranian

The Chair explained the appeal process.

#### **DEPARTMENTAL REPORT(S)**

1. Public Services Report- None
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 TUESDAY, MAY 26, 2015.**

Submitted by:

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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION