

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

Deputy City Attorney Ivy M. Tsai led in the Pledge of Allegiance.

ROLL CALL

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

Staff: Claire Flynn, Assistant Development Services Director
Ivy M. Tsai, Planning Commission Counsel
Raja Sethuraman, Transportation Services Manager
Mino Ashabi, Principal Planner
Antonio Gardea, Senior Planner
Chelsea Crager, Assistant Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Chris McElvoy, Costa Mesa resident, spoke about comments made by Commissioner McCarthy regarding housing and the Orange County Business Council.

Rick Huffman, Costa Mesa resident, spoke about and made a presentation regarding out of scale developments.

Barrie Fisher, Costa Mesa resident, spoke about the lack of Code Enforcement and asked how the community should handle deteriorating areas in Costa Mesa.

Ann Parker, Costa Mesa resident, referenced two non-compliant properties belonging to John Morehart, spoke about the appeal she filed and asked why Commissioner Andranian withdrew his review.

Speaker, requested an update regarding the status of the Sober Living Ordinance and the R-2 Sober Living Ordinance, as well as an update regarding Code Enforcement.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner Andranian read an email explaining his reason for withdrawing the review of Solid Landings. He asked staff to look into parking requirements for sober living homes.

Commissioner Sesler addressed new developments/housing and stated they were good for the community. He also addressed Ms. Parker's concerns.

Commissioner McCarthy spoke about options for parking, projects that are parked, the Mayor's Ball, the Fish Fry at Fairview Park and gave an update regarding OCTA/405 toll lanes.

Chair Dickson requested an update on the Sober Living FAQ, the draft R-2 Sober Living ordinance, Code Enforcement staffing and addressed the concerns of the public speakers.

Claire Flynn, Assistant Development Services Director, reported that a Sober Living Ordinance update was slated for the June 22, 2015 Planning Commission. Ms. Flynn added that internal comments were still being received for the draft R-2 Sober Living Ordinance.

CONSENT CALENDAR – No Items

PUBLIC HEARINGS:

- Application No.** DA-00-04 (DA-15-01): Two-Year Review of a Development Agreement for the Pacific Arts Plaza Bounded by Bristol Street, Anton Boulevard, Avenue of the Arts and 405 Freeway

Applicant: Irvine Company, LLC

Site Address: Bounded by Bristol Street, Anton Boulevard, Avenue of the Arts and 405 Freeway

Zone: TC

Project Planner: Stephanie Roxas

Environmental Determination: The development agreement review is exempt under Section 15061 (b) (3) (general rule) of the State CEQA (California Environmental Quality Act) Guidelines.

Description: Two-year review of the development agreement originally executed between the City of Costa Mesa and Irvine Company (as successor to FSP Two Town Center/Fifth Street Properties). The Agreement was approved in conjunction with a Preliminary Master Plan for South Coast Plaza Town Center and Final Environmental Impact Report No. 1047 for construction of an 18-story high-rise (400,000 sq. ft.) and a five-level parking structure (770 new spaces).

Due to a potential work-related conflict, Chair Dickson recused himself at 6:39 p.m. Vice-Chair Mathews chaired the public hearing.

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

PUBLIC COMMENTS - None

Harpal Sadhal, authorized agent for Irvine Company Office Properties, provided a brief development update.

MOTION: Move by Minute Order, approval of DD-00-04 (DA-15-01), a Two-Year Review of a Development Agreement for the Pacific Arts Plaza bounded by Bristol Street, Anton Boulevard, Avenue of the Arts and 405 Freeway. Moved by Commissioner McCarthy, second by Commissioner Andranian.

The motion carried by the following roll call vote:

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

Chair Dickson returned to the Council Chambers at 6:43 p.m.

2. **Application No.:** PA-15-14 (ZA-12-01): Conditional Use Permit for Valet Parking and an Amendment to Zoning Application ZA-12-01 for Plums Café located at 369 East 17th Street, #8
- Applicant:** Kim Jorgenson
Site Address: 369 East 17th Street, #8
Zone: C1
Project Planner: Antonio Gardea
- Environmental Determination:** If approved, the project is categorically exempt under Section 15302 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

Description: The proposed project involves the following:

1. Conditional Use Permit for valet parking service for Plums Cafe during peak hours on Saturday from 8:00 a.m. to 2:00 p.m.
2. An amendment to Zoning Application ZA-12-01 approved on August 21, 2014 that allowed deviation from the City's Shared Parking Requirements for expansion of the restaurant into an adjacent 870 square-foot tenant space (Suite #11) and a 240 square foot expansion of the patio area with conditions of approval limiting use of the tenant space for private functions only with hours of operation from 8:00 a.m. to 3:00 p.m. The applicant is requesting an amendment to ZA-12-01 to extend their hours to 11:00 p.m.

Antonio Gardea, Senior Planner, presented the staff report which consisted of two components – 1) Conditional Use Permit for valet parking, and 2) Amendment to the Conditions of Approval for ZA-12-01. He reported that correspondence had been received for the project - 23 letters in support and 13 in opposition.

Raja Sethuraman, Transportation Services Manager, at the request of the Commissioner McCarthy, gave an explanation of the LL&G shared parking analysis.

The Commission discussed at length concerns with shared parking, valet parking, traffic analysis during peak hours, the 28 parking spaces and cost recovery mechanisms.

PUBLIC COMMENTS

Bill Dunlap, authorized agent for Wohl/Westport Plaza, LLC, property owner and business owner, thanked City staff and spoke about the project's process. Mr. Dunlap reported they had a conflict with Conditions of Approval No. 4, No. 5 and No. 10. Mr. Dunlap presented a letter from Pitfire Pizza stating Plums Café had their permission to use their parking lot on Saturdays and Sundays from 8:00 a.m. to 1:00 p.m. for up to a maximum of 8 cars.

Kyle Maher, Principal with Linscott, Law and Greenspan (LL&G) Engineers, responded to questions from the Commission pertaining to parking.

Josephine Pfeiffer, Westport Plaza business co-owner, spoke in great support of Plums Café. She asked the Commission to keep the valet parking and approve the application.

Jay Humphrey, Costa Mesa resident, addressed parking problems at Westport Plaza and offered possible solutions for Conditions of Approval No. 4 and No. 10.

Shannon Ritter, Westport Plaza business owner, spoke highly of the leadership at Plums Café. She supported the expansion and said the new lot has improved the parking problems.

Beth Refakes, Costa Mesa resident, spoke about parking and speeding issues. She suggested retaining Condition of Approval No. 10 (a standard condition) and rewording Condition of Approval No. 4.

Kim Jorgensen, Plums Café proprietor, made herself available for any questions from the Commission.

Bill Dunlap, addressed the concerns of the public speakers with regards to reviewing a CUP in 60 days.

Commissioner McCarthy received a note from Pitfire Pizza confirming the letter presented by Mr. Dunlap. However, the shopping center management did not want any approval conditioned on providing the Pitfire parking spaces for valet. While Pitfire was agreeable to the parking accommodation, a future owner may not be amenable to it.

Grant McNiff, Costa Mesa resident, spoke about the City not addressing the parking issues 15 years ago when it had the opportunity and gave a recap on issues at Westport Plaza.

Kim Jorgensen, Plums Café proprietor, offered to hire Linscott, Law & Greenspan to follow up with their parking in the event staff was not able to due to time constraints. Ms. Jorgensen thanked staff for their assistance during the 2-year process.

The Commission discussed the project at length.

The Chair reopened the public hearing at 8:19 p.m.

Chair Dickson asked Ms. Jorgensen if she would be in agreement to revising Condition of Approval No. 6 and allowing the valet parking to be free to all patrons of Westport Plaza and not just the patrons of Plums Café. Ms. Jorgensen was in agreement and added that since the deployment of the valet parking, it was always been free to all patrons of Westport Plaza.

The Chair closed the public hearing.

MOTION: Approve Planning Commission Resolution for Planning Application PA-15-14 (ZA-12-01) based on the Findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B to be revised as follows:

Condition of Approval No. 4 to read: "Within 90 days of the full occupancy of the additional tenant space (#11), the applicant shall submit a report on the findings and conclusions of the parking demand analysis and include real time parking counts verifying the accuracy and adequacy of the projections as well as observations of people arriving from off site to the Development Services Director for review and approval. The report will help verify and determine that there are no negative impacts on the existing tenants and adjacent residential community."

Condition of Approval No. 5 to read: "The valet parking service shall be provided on Saturdays from 9:00 a.m. to 2:00 p.m. and shall be provided on Friday and Sunday from 11:00 a.m. to 1:00 p.m. and during dinner hours (6:00-8:00 p.m.) if deemed necessary."

Condition of Approval No. 6 to read: "The valet parking service shall be free to ensure that patrons park on the property."

Moved by Chair Dickson, seconded by Commissioner McCarthy with comment.

Commissioner McCarthy asked that Plums Café look into using the Pitfire’s parking for valet.

RESOLUTION 15-29 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-15-14 TO PROVIDE VALET PARKING AND TO AMEND MINOR CONDITIONAL USE PERMIT ZA-12-01 FOR THE EXPANSION OF AN EXISTING RESTAURANT (PLUMS CAFÉ AND CATERING) AND EXTENDED HOURS.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

3. **Application No.:** PA-14-30: A Planning Application Involving a Conditional Use Permit and a Planned Sign Program for a Retail Establishment located at 1536 Newport Boulevard
- Applicant:** Lisa Merritt
Site Address: 1536 Newport Boulevard
Zone: C2
Project Planner: Antonio Gardea
- Environmental Determination:** The project is categorically exempt under Section 15332 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (construction of small structures).

Description: The proposed project involves the following:

1. Conditional Use Permit (CUP) to allow sale/ outdoor display and repair services of motorcycles within 200 feet of residentially-zoned properties.
2. The CUP includes a request for the use of three storage containers for storage and merchandise display which are visible from the public right of way. The total building area including the containers exceeds the maximum allowable Floor Area Ratio and the containers are located within the required side yard setback (15 feet required; no setback provided).
3. Planned Sign Program for a sign that exceeds the allowable area and a sign that deviates from the location requirements. requirements.

Antonio Gardea, Senior Planner, presented the staff report.

The Commissioners inquired about the 200 feet of residentially-zoned properties and restrictions (if any) regarding the hours of operation.

PUBLIC COMMENTS

Paul Kinsella, business owner, gave an overview of the project and stated their hours of operation.

Commissioners McCarthy and Chair Dickson liked the project and were in support of it. Due to the CUP, Chair Dickson wanted to memorialize the hours of operation by adding a condition of approval.

Chair Dickson reopened the public hearing.

Mr. Kinsella asked if it would be possible to include motorcycle parking. Chair Dickson asked Mr. Kinsella to confirm that their hours of operation.

Ms. Flynn reported staff's recommendation was that the 3 parallel parking spaces be striped as compact parking stalls; the applicant could use the 3 parking spaces for motorcycle parking as needed.

MOTION: Approval of the Planning Commission Resolution for Planning Application PA-14-30 based on the evidence of the record, the Findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B with the addition of the following:

Condition of Approval No. 16 to read: "The hours of operation shall be from 11:00 a.m. to 7:00 p.m. Tuesday through Saturday and 11:00 a.m. to 4:00 p.m. on Sunday."

Moved by Chair Dickson, seconded by Commissioner McCarthy.

RESOLUTION 15-30 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-30 FOR A CONDITIONAL USE PERMIT AND A PLANNED SIGN PROGRAM FOR THE PROPERTY LOCATED 1536 NEWPORT BOULEVARD

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

4. **Application No.:** PA-15-08 and PM-15-108: A Master Plan for a Four Unit, Three-Story Detached Residential Project Located at 2068 Maple Avenue
- Applicant:** Diamond Star Associates
- Site Address:** 2068 Maple Avenue
- Zone:** R2-HD
- Project Planner:** Minoo Ashabi
- Environmental Determination:** The project is categorically exempt under Section 15332 of the State CEQA (California Environmental Quality Act) Guidelines – Class 32 (Infill development).

Description: The proposed project involves the following:

1. Planning Application PA-15-08: A master plan for development of four three-story detached residential units per the small lot subdivision standards within the Mesa West Residential Ownership Urban Plan with the following deviations.
 - Minimum lot size (one acre required; 0.235-acre proposed)
 - Minimum front landscape setback (20 feet required, 10 feet proposed)
 - Open parking spaces provided in garages – The project meets the overall parking requirement; a total of 13 spaces are required including eight open parking spaces and five garage spaces, eight garage spaces and five open parking spaces proposed.
2. Tentative Parcel Map PM-15-108: A four lot fee simple subdivision for individual ownership purposes in accordance with the small lot subdivision standards.

Minoo Ashabi, Principal Planner presented the staff report.

Commissioner McCarthy inquired about the number of maximum units allowed in a high density zone and the deviations (not variances) due to the project being in the Urban Plan.

PUBLIC COMMENTS

Don Lamm, authorized agent for the property owner (Waleed Kasaab), gave a project presentation that included modifications and showcased some of the project's distinctive features.

Jay Humphrey, Costa Mesa resident, was concerned with the open space, deviations and said that standards needed to be changed to improve parking issues.

Speaker, agreed with Mr. Humphrey regarding the deviations. If a project has a deviation then it does not fit because it needs to be harmonious and compatible with the neighborhood. There should be a moratorium on 3-story developments.

Gary Roseberry, Costa Mesa resident, expressed opposition with the project because it would increase traffic and it did not blend well with the neighborhood.

Rick Huffman, Costa Mesa resident, felt the project was too dense and the Urban Plan should not have been applied to this area. Project was not harmonious to the area.

Clinton Payson, Westside resident, was concerned with the high density of the project and did not feel this type of project was the solution for the Westside.

Mr. Lamm provided responses for the concerns addressed by the public speakers regarding parking and the project being a "boxed" product. Mr. Lamm spoke about home sales and how the project encouraged homeownership.

The Commission spoke favorably of the project because it renovated a blighted area.

MOTION: Approval of the Planning Commission Resolution for Planning Application PA-15-08 and PM-15-108, based on the evidence of the record, the Findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B. Moved by Commissioner McCarthy, second by Chair Dickson with comment.

Chair Dickson said this was a great project with aesthetically pleasing properties.

RESOLUTION 15-31 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING MASTER PLAN PA-15-08 AND TENTATIVE PARCEL MAP 2015-108, FOR DEVELOPMENT OF A 4-UNIT THREE-STORY RESIDENTIAL PROJECT AT 2068 MAPLE AVENUE.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

5. **Application No.:** PA-15-01: Conditional Use Permit for a Tattoo Parlor Located at 2052 Newport Boulevard, Suite 11
Applicant: Raymond Burciaga

Site Address: 2052 Newport Boulevard, Suite 11

Zone: C1

Project Planner: Chelsea Crager

Environmental

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

Description: A conditional use permit for a tattoo parlor with five tattoo artists and one apprentice (Enigmatic Concept) within a 525 sq. ft. tenant space.

Chelsea Crager, Assistant Planner, presented the staff report

Commissioner McCarthy requested the distance from the tattoo parlor to the residential area.

Commissioner Sesler inquired about unusual histories of tattoo parlors.

PUBLIC COMMENTS

Raymond Burciaga, business owner, provided background information regarding his tattoo business.

Chair Dickson stated he did not have a problem with tattoo parlors.

Commissioner McCarthy stated he would not support the tattoo parlor because it was too close to a residential tract.

Chair Dickson asked that “of the public” in Condition of Approval No. 7 be changed to “or the public.”

MOTION: Approval of the Planning Commission Resolution for Planning Application PA-15-01 based on the evidence of the record, the Findings set forth in Exhibit A and subject to the Conditions of Approval set forth in Exhibit B with a minor typographical change to Condition of Approval No. 7. Moved by Chair Dickson, seconded by Vice-Chair Mathews.

RESOLUTION 15-32 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-01 FOR A CONDITIONAL USE PERMIT FOR A TATTOO SHOP LOCATED AT 2052 NEWPORT BOULEVARD SUITE 11

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, Sesler, Andranian

Noes: McCarthy

Absent: None

Abstained: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – None.
2. Economic and Development Services Report – Ms. Flynn reported that the High Density Survey of the 34 surrounding cities and requested by Commission McCarthy had been

completed and it would be a Consent Calendar item at the June 8th Planning Commission meeting.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JUNE 8, 2015.

Submitted by:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION