

## UNOFFICIAL UNTIL APPROVED

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION****August 10, 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.*

Commissioner McCarthy 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  
Yolanda Summerhill, Planning Commission Counsel  
Fariba Fazeli, City Engineer  
Fidel Gamboa, Chief of Code Enforcement  
Antonio Gardea, Senior Planner  
Ryan Loomis, Associate Planner  
Stephanie Roxas, Associate Planner  
Chelsea Crager, Assistant Planner  
Julie Colgan, Recording Secretary

**PUBLIC COMMENTS**

Barrie Fischer, a Costa Mesa resident, thanked staff for reviewing the parking situation at Planet Fitness.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Commissioner McCarthy thanked everyone who helped out with the cattle drive and asked staff to take before and after photos of City projects.

Commissioner Sesler reminded everyone of the Segerstrom movie night.

Chair Dickson asked Fidel Gamboa, Chief of Code Enforcement, to give a brief update on the City's citation process and zoning cases. Mr. Gamboa gave a presentation on the City's citation process.

The Commissioners asked for clarification with who hears the appeals, violation amounts, timeframe process and the red tagging process.

Chair Dickson thanked the Costa Mesa's Police department and fire department for the Night Out event they hosted. He also commended City staff, police department, fire department and park rangers on the way they handled people being a nuisance in City parks and shopping centers.

## CONSENT CALENDAR

Chair Dickson asked if anyone wanted to pull any items from the consent calendar. The public responded that they wanted to pull item number 2 and 4.

1. Minutes for the meeting of July 27, 2015
3. Request to cancel the Planning Commission meeting of August 24, 2015 and schedule joint study session on September 8, 2015

**MOTION: Approve Consent Calendar Item number 1 and number 3  
Moved by Commissioner McCarthy, seconded by Chair Dickson.**

The motion carried by the following roll call vote:

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

2. Proposed vacation of a portion of the West 19<sup>th</sup> Street right-of-way, adjacent to 752 West 19<sup>th</sup> Street

### PUBLIC COMMENTS

A Costa Mesa resident asked for an explanation of the public land being given away.

Fariba Fazeli, City Engineer, responded to the public concern. She indicated that the land was not purchased but dedicated to the City. She also explained why the City is giving it back to the original property owner.

Commissioner McCarthy stated the process should be called a reversion not a vacation.

**MOTION: Approve by adoption of Planning Commission Resolution.  
Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

**RESOLUTION 15-46** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S VACATION OF A PORTION OF THE W. 19<sup>TH</sup> STREET RIGHT-OF-WAY, ADJACENT TO THE PROPERTY AT 752 W. 19<sup>TH</sup> STREET, IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN, WILL SERVE THE PUBLIC INTEREST, AND IS A PUBLIC BENEFIT

The motion carried by the following roll call vote:

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

4. General Plan conformity for vacation of landscape easement at 580 Anton Boulevard

### PUBLIC COMMENTS

Teresa Drain, a Costa Mesa resident, suggested using the landscape easement for a wider sidewalk.

Ms. Fazeli responded by clarifying that it is a landscape easement and is not for a sidewalk use. The sidewalk is already wide enough.

**MOTION: Approve by adoption of Planning Commission Resolution.  
Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

**RESOLUTION 15-47** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA’S VACATION OF A LANDSCAPE EASEMENT WITHIN THE PROPERTY LOCATED AT 580 ANTON BOULEVARD IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN, WILL SERVE THE PUBLIC INTEREST, AND IS A PUBLIC BENEFIT

The motion carried by the following roll call vote:

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

Chair moved New Business item number 1 to the first item.

**NEW BUSINESS ITEM(S)**

1. Review of Conditional Use Permit PA-14-17 for Planet Fitness at 2200 Harbor Boulevard

Chelsea Crager, Assistant Planner, presented the staff report.

Commissioner McCarthy asked why the parking issue is a City problem and if the business is in agreement with the solutions suggested. Ms. Crager responded it is a part of the conditions of approval and they are in agreement with some of the solutions.

Commissioner Sesler asked who made the complaints. Ms. Crager responded the citizens.

**PUBLIC COMMENTS**

Jesse Vargas, Vice President for Planet Fitness, responded to the questions about the rear entrance. He stated they are working on new signage and are mentioning the back entrance now on their tours.

Michelle Baldwin, property manager for Kmart Plaza, responded to questions about people hanging out on the balcony and what security measures are taken.

A Costa Mesa resident stated the shopping center should not have to provide the extra security.

Beth Refakes, Costa Mesa resident, stated the parking is a problem and is concerned with the homeless problem there.

Richard Russell, Costa Mesa resident, suggested putting windows in the back of Planet Fitness as an additional security measure.

Barrie Fisher, Costa Mesa resident, suggested having more handicap parking out front of Planet Fitness.

Brian Hunley, general partner of the Kmart Plaza, addressed public comments about the security measures and the handicap parking.

Commissioners discussed the public comments and the solutions presented.

**MOTION: Receive and file New Business item number 1.  
Moved by Commissioner McCarthy, seconded by Chair Dickson.**

The motion carried by the following roll call vote:

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

The Chair moved Public Hearing item number 5 to the front.

## **PUBLIC HEARINGS**

5. **Application No.** PA-13-32  
**Applicant:** Ryan Walton  
**Site Address:** 141 Melody Lane  
**Zone:** R3  
**Project Planner:** Antonio Gardea  
**Environmental Determination:** The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (conversion of small structures).

**Description:** Design Review to legalize the conversion of a fourth unit in an existing triplex. The fourth unit is a one-bedroom unit located on the first floor of the apartment building. Proposed project involves compliance with all Building and Fire Code requirements. The legalization of the fourth unit will result in an overall parking requirement of 9 spaces for the property (9 spaces proposed). In order to create new open parking, a minor modification is required for the encroachment of one open parking space in the front yard setback (20-foot setback requirement; 16-foot setback proposed).

**MOTION: Continue Planning Application PA-13-32, Design Review to legalize a conversion at 141 Melody Lane, to the Planning Commission meeting of September 14, 2015.**

**Moved by Commissioner McCarthy, second by Vice Chair Mathews.**

The motion carried by the following roll call vote:

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

1. **Application No.:** PA-07-54 A1  
**Applicant:** Matt Stowe  
**Site Address:** 1749 Newport Boulevard  
**Zone:** C2  
**Project Planner:** Antonio Gardea

## **Environmental**

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

**Description:** The proposed request is an amendment to Planning Application PA-07-54, an existing conditional use permit (CUP) for a restaurant located at 1749 Newport Boulevard (The Hub) that serves alcoholic beverages after 11:00 p.m. within 200 feet of residentially-zoned properties. The existing CUP limits the hours of operation to 9:00 a.m. - 12:00 midnight Friday and Saturday and 9:00 a.m. - 11:00 p.m. Sunday through Thursday. The applicant is requesting modification of the conditions of approval to allow the restaurant/bar to stay open until 2:00 a.m. on a daily basis.

Antonio Gardea, Senior Planner, presented the staff report.

Joyce Lapointe, Costa Mesa Police Department Sergeant, gave an overview of the police calls for the Hub restaurant within the last nine months.

Chair Dickson asked for more details regarding the police calls.

Commissioner McCarthy asked for clarification on how the denial recommendation was determined.

Commissioner Andranian asked for how many number of police calls for similar establishments they were to base a comparison.

## **PUBLIC COMMENTS**

Katie Peoples, General Manager of the Hub restaurant, addressed the concerns with the police calls, gave reasons on why they wanted to modify their hours of operation and went over the handout she gave out.

Vice Chair Mathews asked if they would be willing to compromise on the hours of operation that is being proposed. Ms. Peoples responded yes.

Chair Dickson asked what kind of training they have for service and over service. Ms. Peoples answered by going over the required training.

Mark Korando, Costa Mesa resident, stated it is an incompatible use for the location.

Teresa Drain, Costa Mesa resident, spoke in opposition to the proposed request.

Martin H. Millard, Costa Mesa resident, spoke in favor of the proposed request.

A Costa Mesa resident asked to listen to the police, staff and residence's request to deny the proposed request.

Beth Refakes, Costa Mesa resident, urged to deny the proposed request.

David Alloway, business owner near the HUB, spoke about the transient issue in the area and mitigating the proposed extended hours.

Ms. Peoples responded to the public comments.

Chair Dickson asked if they have security and valet parking. Ms. Peoples responded they have security for special events and no valet parking but are open to it.

Commissioners discussed their concerns with the proposed request and whether to continue, deny or approve it with modifications to the conditions of approval.

**MOTION: Hereby move that the Planning Commission hereby continue amendment to Planning Application PA-07-54 to allow extended evening hours until 2am for the Hub restaurant located at 1749 Newport Boulevard to the Planning Commission meeting of January 25, 2016.**

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

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

2. **Application No.:** PA-15-20 & PM-15-133

**Applicant:** Kasey O'Keefe

**Site Address:** 355 Rochester Street

**Zone:** R2-MD

**Project Planner:** Stephanie Roxas

**Environmental**

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

**Description:** Design Review PA-15-20 for a small lot subdivision consisting of two, two-story detached single family residences of approximately 2,665 square feet (front unit) and 2,598 square feet (rear unit) with attached two-car garages. The proposed project complies with the Code-required residential development standards and the Residential Design Guidelines. Tentative Parcel Map No. PM-15-133 proposes to subdivide an 8,779 square-foot parcel into two fee-simple lots for homeownership consistent with the requirements of the Small Lot Subdivision Ordinance.

Stephanie Roxas, Associate Planner, presented the staff report.

Commissioner McCarthy asked if the project had any deviations, adjustments or variances. Ms. Roxas responded no.

## **PUBLIC COMMENTS**

Kasey O'Keefe, applicant, has read and is in agreement with the conditions of approval.

Charles Hoffman, Costa Mesa resident, stated concerns with the parking.

Mr. O'Keefe responded to the public comment.

Commissioner and staff discussed the zoning, adding a second story, if the parking standards are being met, Conditions of Approval No. 12 and 13 and who monitors the garage parking.

**MOTION: Move that based on the evidence in the record and the finding set forth in Exhibit A, subject to conditions of approval contained within Exhibit B, that the Planning Commission approves Planning Application PA-15-20 and Tentative**

**Parcel Map PM-15-133 and that the Planning Commission find that the project is exempt from the California Environmental Quality Act under guidelines section 15303.**

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

**RESOLUTION 15-48** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-20 AND TENTATIVE PARCEL MAP NO. PM-15-133 FOR PROPERTY AT 355 ROCHESTER STREET IN R2-MD ZONE

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-15-24 & PM-15-135  
**Applicant:** Ryan Oldham  
**Site Address:** 215 Knox Place  
**Zone:** R2-MD  
**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 or conversion of small structures).

**Description:** Design Review for the demolition of an existing one-story residence for a small lot subdivision consisting of two new 2-story residences of approximately 2,579 square feet with attached two-car garages and off-street open parking in the R2-MD zone. The proposal features four bedroom/3.5 bath two-story wood frame construction for both units. The proposed project complies with the Code-required residential development standards and the Residential Design Guidelines. Tentative Parcel Map PM-2015-135 proposes to subdivide the lot into two (2) 4,003 square-foot fee simple lots per the Small Lot Subdivision Ordinance.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked for staff's position on the trees mentioned in a correspondence. Mr. Loomis responded by going over the applicant's landscape plan to replant trees.

### **PUBLIC COMMENTS**

Tom St Clair, owner of the property, has read and is in agreement with the conditions of approval but did have a question for the need of the CC&R's. Claire Flynn, Assistant Development Services Director, responded by going over the reasons for the need of the CC&R's.

Chair Dickson asked for clarification with what is required in Condition of Approval No. 9.

William Dunlap, Costa Mesa resident, stated concerns with the elevations being out of character with the neighborhood.

Mr. St Clair responded to the public comment and correspondence about the trees.

The Commissioners liked the project and that it had no deviations.

**MOTION: Approve Planning Application PA-15-24 and Tentative Parcel Map PM-15-135 for a two-unit residential development at 215 Knox Place based on the findings set forth in Exhibit A and subject to the conditions set forth in Exhibit B with the following modifications:**

**Strike out Planning Code Requirement #9**

**Condition of Approval No. 9 to read: “Applicant shall provide additional (non-structural) elevation work to each unit in order to differentiate the second-story elevations from one another, including the use of different finished materials, window treatments, or additional enhancements. No modification(s) of the approved building elevations including, but not limited to, change of architectural type, changes that increase the building height, removal of building articulation, or a change of the finish material(s), shall be made during construction without prior Planning Division written approval. Failure to obtain prior Planning Division approval of the modification could result in the requirement of the applicant to (re)process the modification through a discretionary review process or a variance, or in the requirement to modify the construction to reflect the approved plans”.**

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

**RESOLUTION 15-49** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-24 AND TENTATIVE PARCEL MAP NO. PM-15-135 FOR PROPERTY AT 215 KNOX PLACE IN THE R2-MD ZONE

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-15-18  
**Applicant:** Roger Johnson/Vertical Parking Solutions  
**Site Address:** 400 Merrimac Way  
**Zone:** R3  
**Project Planner:** Stephanie Roxas  
**Environmental Determination:** The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

**Description:** Conditional Use Permit for installation of nineteen car lifts (approximately eight feet high, not including height of vehicles) in the parking lot of an existing gated apartment community (Coast Apartments). The proposed car lifts would be installed in existing open parking spaces along the rear property line, over 275 feet from Merrimac Way, to allow two vehicles to be parked in the same stall. The project adds seventeen additional parking spaces to the premises, and the proposed car lifts are not visible from Merrimac Way.

Stephanie Roxas, Associate Planner, presented the staff report.

Vice Chair Mathews asked if the parking would remain the same after the car lifts were installed. Ms. Roxas responded no. They will lose 2 parking spaces.

Commissioner McCarthy asked if approving the application would set a parking precedent. Ms. Flynn responded it is not a parking solution for new development applications.

Chair Dickson asked if there was a condition that the parking lifts must remain in operation or must then be removed. Ms. Roxas responded no.

## **PUBLIC COMMENTS**

Roger Johnson, representative from Vertical Parking Solution, gave an overview of their business, the different cities in which they have installed car lifts, and the benefits of them.

Commissioners asked about the safety features, safety concerns, reliability, construction timeframe, who operates them, and insurance. Mr. Johnson and Paul Julian, owner of AMC, responded to the Commissioner's questions.

Jay Humphrey, Costa Mesa resident, stated concerns with the open space being diminished and car lifts not being allowed in new developments.

Teresa Drain, Costa Mesa resident, stated concerns with setting a precedent and the car lifts not being allowed in new developments.

Beth Refakes, Costa Mesa resident, suggested creating standards for the car lifts for future projects and stated concerns with safety, liability and noise issues.

Richard Russell, Costa Mesa resident, is in support of the application.

Mr. Julian responded to the public comments.

Vice Chair Mathews asked if the car lift parking is assigned and who has extra keys. Mr. Julian responded the parking is assigned to the same unit and management has extra keys.

Commissioner Andranian, Yolanda Summerhill (City Attorney) and Ms. Flynn discussed the requirements and the process of approving future car lifts.

The Commissioners discussed the application in length.

**MOTION: Hereby move that the Planning Commission hereby approves Planning Application PA-15-18, a Conditional Use Permit to install nineteen outdoor car lifts in an existing apartment community located at 400 Merrimac Way, based on the findings set forth in Exhibit A, subject to conditions set forth in Exhibit B with the following modifications:**

**Condition of Approval No. 9 to read: "The property owner/manager shall report any property damage or bodily injury as a result of lift operations to the Development Services Director within 48 hours of the occurrence. A review of the CUP for revocation may be warranted if there is a history of continual problems".**

**Add Condition of Approval No. 11 to read: "All car lifts must remain in operation. The property owner/manager shall address any repairs or issues related to lift operations within 72 hours and restore any lift to be fully functional within that period. Deferred maintenance and repair is considered a violation of this condition. A review of the CUP for revocation may be warranted if there is a history of continual maintenance problems".**

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

**RESOLUTION 15-50** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-18 FOR A CONDITIONAL USE PERMIT TO INSTALL OUTDOOR CAR LIFTS IN AN EXISTING APARTMENT COMMUNITY LOCATED AT 400 MERRIMAC WAY

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.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – None
2. Economic and Development Services Report – Ms. Flynn reported the preparation of a joint study session with City Council and Planning Commission for Tuesday, September 8, 2015. The items to be discussed will be the General Plan update, changes to the Urban Plans and the long range plan for the Fairview Developmental Center property.

**CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – None.

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON SEPTEMBER 14, 2015.**

Submitted by:

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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION