

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
March 11, 2013**

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.

II. ROLL CALL:

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

Absent: None

III. PROCLAMATION FOR LEADERSHIP AND SERVICE TO FORMER VICE CHAIR SAM CLARK AND FORMER PLANNING COMMISSIONER ED SALCEDO.

Commissioner McCarthy thanked former Vice Chair Sam Clark for six years of exemplary service.

Vice Chair Dickson thanked Commissioners Salcedo for his service and perspective on projects.

IV. PLANNING COMMISSION GREEN DESIGN AWARD:

• **SOLAR AND ELECTRIC VEHICLE PERMIT PROCESS**

Chair Fitzpatrick thanked Khanh Nguyen for his work on the solar and electric vehicle permit process by presenting to him the Costa Mesa Planning Commission Green Design award.

Mr. Nguyen stated that 47 homes benefited from the City’s fee waiver program.

V. PUBLIC COMMENTS:

There were no public comments.

VI. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy commented that he asked staff to look at the parking issues at the shopping center off of Baker and Bear.

Commissioner Sesler announced a seminar that will be held at Saint John’s Divine Episcopal Church.

Chair Fitzpatrick commented that he met with Tom Hatch and they discussed several of the achievements that the City staff had made along with new individuals brought on to help with code enforcement issues.

VII. CONSENT CALENDAR:

Chair Fitzpatrick announced that they are pulling item number three the informational report on parking-related measures at the CAMP on the consent calendar.

1. Minutes for the meeting of February 25, 2013.
2. Code Enforcement Update.
3. [Redacted]
4. 2012 Annual Review of General Plan.

**Motion: Approve Consent Calendar.
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

3. Informational Report on Parking-Related Measures at the CAMP.

Chelsea Crager, Planning Intern, summarized the information contained in the staff report.

Claire Flynn responded that the Shabu Shabu restaurant has a minor conditional use permits for required off-site parking for that retail center.

Vice Chair Dickson asked how staff monitors parking problems. Ms. Flynn responded that for the properties that have minor/conditional use permits, staff monitors these properties on an annual or bi-annual basis. Staff also assesses complaints and work with the property managers or business owners.

Jennifer Lovelace, representative from the CAMP, stated that they do have nine parking lots off-site for valet parking.

PUBLIC COMMENTS:

There were no public comments.

**Motion: Move that the Planning Commission receive and file the report on Informational Report on Parking-Related Measures at the CAMP.
Moved by Commissioner McCarthy, seconded by Vice Chair Dickson.**

The motion carried by the following roll call vote:
Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None

VIII. PUBLIC HEARINGS:

1. **Application No.** PA-12-31
Applicant: Phil Schwartz
Site Address: 353 E. 17th Street
Zone: C1
Project Planner: Minoo Ashabi
Environmental Determination: Exempt

Description:

Conditional use permit to operate a restaurant (Pitfire Pizza) past 11:00 p.m. seven days a week within 200 feet of residentially zoned property (2:00 a.m. proposed) with a State ABC License Type 47 (On-Sale General, Eating Place). On-site valet parking service will be provided from Friday through Sunday from 5 p.m. to 9 p.m. for the proposed use.

Vice Chair Dickson asked why only a six-foot block wall is recommended not an eight-foot one which would help buffer the sound. Ms. Ashabi responded that the six-foot height would be consistent with the adjacent sites.

Commissioner McCarthy asked what options they have for approving this application and if they can review it again. City Attorney, Mr. Bettenhausen, responded that the preferred option is to grant the conditional use permit and then bring it up for review in a year to see if modifications need to be made based on any complaints.

Phil Schwartz, applicant, is in agreement with the conditions of approval.

Commissioner Sesler asked what experience the company had with running establishments with extended hours past ten o'clock. Paul Hibler, owner of Pitfire Pizza, responded they have seven years experience with two other places.

PUBLIC COMMENTS:

Beth Refakus, resident, stated her concerns with the noise, loitering, and parking.

Chuck Perry, resident, stated his support for the project.

Ms. Flynn asked that Ms. Ashabi read Condition No. 3 and 17 for the record because of the changes in the conditions.

MOTION: Move that the Planning Commission approve planning application PA-12-31 Pitfire Pizza at 353 E. 17th Street based on the evidence in the record and the findings set forth in Exhibit A, subject to the conditions set forth in Exhibit B, and be brought back to the September meeting under consent calendar item with a report on the status of any issues with the following new and/or amended conditions:

No. 3: Valet services shall utilize the front and mid section of the parking lot to the greatest extent feasible. Parking at the rear of the parking lot shall be limited to overflow parking only during the hours of 11:00 p.m. to 2:00 a.m.

No. 17: Hours of operation shall be limited to the hours of 10:00 a.m. to 11:00 p.m. for the main dining area and 5:00 p.m. to 2:00 a.m. for the rear lounge. Abbreviated menu shall be available during all the hours of operation of the rear lounge.

Moved by Commissioner McCarthy, seconded by Vice Chair Dickson.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

- 2. Application No.: ZA-96-24 A1**
Applicant: Dale Falasco
Site Address: 488 E. 17th Street,
Suite A100
Zone: C1
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

Amend Minor Conditional Use Permit ZA-96-24 to allow the sale of beer and wine with a State Alcoholic Beverage Control License Type 41 (On-Sale Beer and Wine, Eating Place) for a restaurant (Beach Hut Deli) and modify the parking-related requirements for the outside dining patio. Hours of operation are 10:00 a.m. to 10:00 p.m. Monday through Saturday and 10:00 a.m. to 8:00 p.m. Sunday.

Commissioner McCarthy asked if allowing the sale of beer and wine will increase the intensity of use. Mr. Lee responded yes because the introduction of beer and wine has not been sold there prior to this use.

Chair Fitzpatrick asked if changing the dedicated parking spaces in the back to regular ones and adding signage stating there are additional parking spaces would help with the parking issue. Mr. Lee responded yes that would help alleviate the parking issues.

Jim Donnell, commercial broker representing the applicant, is in agreement with the conditions of approval.

Dale Falasco, applicant and property manager of the center, stated there is high turnover of parking, and the outside patio is a common space used by all of the business.

Commissioner Mathews asked the applicant if he could create dedicated parking spaces for everybody. Mr. Falasco responded yes he is open to suggestions but the spaces are helpful for employees, and they do have parking policies in place that tenants have to abide by.

PUBLIC COMMENTS:

Joe Bart, owner of Banzai Bowl, stated he provides free food to his employees that bike or walk to work, and he opens up his parking spaces in the back to his customers.

Mike Miller, owner of Beach Hut Deli, stated that with our great weather, the patio would be a nice place to enjoy beer or wine.

Ms. Flynn clarified the reason for amending the original minor conditional use permit and stated that the outdoor dining patio could no longer be a common patio, but instead has to be used only by the Beach Hut Deli because of the sale of alcohol.

MOTION: Move that the Planning Commission approve Zoning Application Amendment ZA-96-24 A1 488 E. 17th Street, Suite A100 to amend minor conditional use permit ZA-96-24 to allow the sell of beer and wine for Beach Hut Deli hours of operation from 10 a.m. to 10 p.m. Monday through Saturday and 10:00 a.m. to 8:00 p.m. Sunday and modify the parking-related requirements for the outside dining patio based on the evidence in the record and the findings set forth in Exhibit A, subject to the conditions set forth in Exhibit B.

Moved by Commissioner McCarthy, seconded by Vice Chair Dickson.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

- 3. Application No.:** PA-13-02 and
PM-12-167
Applicant: Robin B. Hamers
Site Address: 2160 Pacific Avenue,
Units A and B
Zone: R2-MD
Project Planner: Mel Lee
**Environmental
Determination:** Exempt

Description:

- (1) Residential common interest development conversion of two unoccupied two-story residential units approved under Development Review DR-11-08.
- (2) A tentative parcel map for subdivision of the property for condominium purposes.

Commissioner Sesler asked if a provision was added into the conditions to notice potential purchasers of having no right to a view. Mr. Lee responded no because we did not receive any public comments concerning the view.

Commissioner McCarthy asked if the City gives any incentives to promote conversions for ownership opportunities or rentals. Mr. Lee responded that they encourage the applicant to go through this process.

Robin Hamers, applicant, is in agreement with the conditions of approval.

PUBLIC COMMENTS:

There were no public comments.

**MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A, subject to the conditions of approval contained in Exhibit B, the Planning Commission approve Planning Application PA-13-02 and PM-12-167.
Moved by Vice Chair Dickson, seconded by Commissioner McCarthy.**

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None

Absent: None

The Chair explained the appeal process.

IX. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON APRIL 8, 2013.

Submitted by: _____
CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION