

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

November 12, 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.

Commissioner McCarthy led in the Pledge of Allegiance.

ROLL CALL:

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

PUBLIC COMMENTS

Ken Nyquist stated the Newport Boulevard Specific Plan needed to be updated and a Harbor Boulevard Specific Plan addressed.

Judy Smith, homeowner, asked if the Sandpiper Hotel item (Public Hearing No. 6) was being continued to the December 9, 2013 Planning Commission meeting. Chair Fitzpatrick confirmed the item was being continued.

Christy Turley addressed several Stater Bros. concerns (no permits for the interior remodel work, separator wall not up to code, noise levels and unloading of truck vendors).

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy provided an update regarding the November 8th I-405 Board meeting, thanked Assemblyman Allan Mansoor's office and encouraged everyone to attend the December 9th Hearing. He announced that staff would be monitoring Target to ensure they adhered to their Black Friday agreements.

Vice-Chair Dickson assured Mr. Nyquist that discussions regarding the Newport Blvd. Specific Plan and possibly Harbor Blvd. Specific Plan were occurring.

CONSENT CALENDAR:

1. Minutes for the meeting of October 28, 2013
2. Code Enforcement Update

**MOTION: Approve the October 14, 2013 Minutes and Code Enforcement Update.
Moved by Chair Fitzpatrick, second by Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

Chair Fitzpatrick announced that Public Hearings No. 6, 7 and 8 were being pulled forward. Counsel Yolanda Summerhill stated separate actions could be taken for each matter.

PUBLIC HEARINGS

6. **Application No.:** PA-99-09 (Review)
 Applicant: City of Costa Mesa
 Site Address: 1967 & 1977 Newport Boulevard
 Zone: C2
 Project Planner: Aaron Hollister
 Environmental
 Determination: Exempt

Description:

Review of previously approved Conditional Use Permit that allowed 40% of the rooms located at the Sandpiper Inn to be devoted to long-term occupancies. Specifically, the Planning Commission will consider if the Sandpiper Inn has historically operated in a fashion that is consistent with the conditions of approval set forth in the approved Conditional Use Permit for the property.

PUBLIC COMMENTS - None

MOTION: Continue Public Hearing No. 6 (PA-99-09 Review) to the December 9, 2013 Planning Commission meeting. Moved by Commissioner McCarthy, second by Chair Fitzpatrick.

The motion carried by the following roll call vote:

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

7. **Application No.** PA-98-73 (Review)
 Applicant: City of Costa Mesa
 Site Address: 2277 Harbor Boulevard
 Zone: C1
 Project Planner: Aaron Hollister
 Environmental
 Determination: Exempt

Description:

Review of previously approved Conditional Use Permit that allowed 40% of the rooms located at the Costa Mesa Motor Inn to be devoted to long-term occupancies. Specifically, the Planning Commission will consider if the Costa Mesa Motor Inn has historically operated in a fashion that is consistent with the conditions of approval set forth in the approved Conditional Use Permit for the property.

PUBLIC COMMENTS - None

MOTION: Continue Public Hearing No. 7 (PA-98-73 Review) to the December 9, 2013 Planning Commission meeting. Moved by Vice-Chair Dickson, second by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None
Absent: None
Abstained: None

8. **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA AMENDING TITLE 13, ARTICLE 8, SECTION 13-172, ET. AL., OF THE COSTA MESA MUNICIPAL CODE RELATED TO MOTELS**

Code Amendment CO-13-03 related to Motels. The amendments would reduce the total number of rooms that could be utilized as extended occupancy rooms at any motel site from 25% to 10%. Environmental Determination: Exempt.

PUBLIC COMMENTS - None

MOTION: Continue Public Hearing No. 8 (Motels Ordinance) to the December 9, 2013 Planning Commission meeting. Moved by Commissioner McCarthy, second by Chair Fitzpatrick.

The motion carried by the following roll call vote:

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

1. **Application No.:** PA-11-06
Applicant: Dennis Flynn agent of Suburban Harbor LLC.
Site Address: 2626 Harbor Blvd.
Zone: R2-MD
Project Planner: Minoo Ashabi
Environmental Determination: Exempt

Description:

A two-year time extension request for Planning Application PA-11-06 and Tentative Tract Map 17423, for development of 33 detached units of common interest development on a 3.7-acre site in RD-MD zone (Multiple Family Residential).

Principal Planner Minoo Ashabi summarized the staff report regarding the applicant's request for a 24 month extension of the entitlement.

PUBLIC COMMENTS – None

MOTION: Approve a two-year time extension for PA-11-06 and TT-17423 for a 33 unit residential common interest development at 2626 Harbor Blvd. Moved by Commissioner McCarthy, second by Commissioner Mathews.

The motion carried by the following roll call vote:

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

2. **Application No.:** PA-87-154
Applicant: Brian Jackson
Site Address: 2180 Newport Blvd.
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

Review of conditional use permit for an existing recycling center (RePlanet, formerly EarthWize) within the Stater Bros. Market parking lot for possible modifications to the recycling facility including, but not limited to, the following:

1. Modification to the location of the recycling facility within the Stater Bros. parking lot;
2. Possible changes to the conditions of approval for the operation of the recycling facility; or
3. Possible revocation of the conditional use permit for the recycling facility.

Senior Planner Mel Lee provided a summary of the staff report and gave a Power Point presentation regarding the conditional use permit.

PUBLIC COMMENTS

Joe Perez, RePlanet representative announced RePlanet was aware of the conditions and they were in agreement. Mr. Perez gave a summary of the history of the recycling and their intent to relocate the recycling facility from its current location.

Christy Turley, resident, thanked RePlanet for meeting with her and her neighbor. She displayed photos and addressed a list of parking, noise, traffic, homeless loitering, trash, etc. problems with the expansion of the recycling center.

DeAnne Hemmens, resident, spoke of an incident with a homeless person who was waiting for the recycling center to open. She displayed photos, stated the traffic congestion was a greater problem than the noise and trash issues and said Stater Bros. was no longer a nice neighborhood store. She offered options to the problems and submitted, for the record, a CalRecycling handout that delineated convenience zones.

Tyler Turley, Rural Lane resident and recycling advocate, thanked the Commission and RePlanet for their efforts. He displayed photos containing liquid spills and felt this type of recycling center should be in a commercially-zoned area and not a residential area.

Chair Fitzpatrick asked the applicant to address the concerns from abutting neighbors. Mr. Perez provided responses regarding convenience zones, bin exchanges and noise levels. He said relocating the facility would improve the current situation.

Compatibility issues (the stores having options to pay a fee or seek an exemption and the residents not having any options), State compliance, single-reversed vending machines as a possibility, bin exchange process, volume and landscaping issues were discussed.

Due to the numerous resident complaints, the Commission discussed the possibility of revoking or modifying the conditional use permit (Condition of Approval No. 5 not being met), as well as changing the review period from 2 years to 6 months. The Commission also took into consideration RePlanet was a new operator and they were doing their best to alleviate the situation.

Commissioner McCarthy did not feel that relocating the facility would prevent the existing problems and stated he would not be supporting staff's proposal.

Vice-Chair Dickson suggested the following modifications:

- Adding "all container transfers into the bins utilized at the facility must occur within the screened area between Newport Blvd. and the recycling structure. No transfer shall occur anywhere else" to an appropriate condition of approval;
- Change "two (2) year periods" in Condition of Approval No. 3 to "one (1) year" and include a provision for an initial 6-month review of the new operators operations.
- Amend Condition of Approval No. 30 or add Condition of Approval No. 32 stating that "landscaping planter boxes shall be installed to the satisfaction of the Development Services Director as indicated in the staff report (along 22nd St. and Newport Blvd.).

Mr. Lee stated the container transfer language could be added to Condition of Approval No. 9.

MOTION: Based on the evidence of the record and the findings contained in Exhibit B and subject to the updated conditions of approval contained in Exhibit B including the changes discussed addressing the transfer of materials occurring only on the westerly side of the structure, adjacent to the structure along Newport Blvd.; the provision regarding the screening requirement as depicted in the staff report; changing the required 2-year review to 1-year including an initial 6-month review with the understanding that a resolution for revocation be brought back, approve PA-87-154. Moved by Vice-Chair Dickson, second by Chair Fitzpatrick with comment.

Chair Fitzpatrick asked the maker of the motion if he would consider scheduling RePlanet's return date to a March Planning Commission meeting. Vice-Chair Dickson agreed to schedule RePlanet to return to the first Planning Commission meeting in March.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

3. **Application No.** PA-13-18
Applicant: Greg Nylén
Site Address: 2957 Randolph Avenue
Zone: MG
Project Planner: Antonio Gardea
Environmental Determination: Exempt

Description:

A request for a conditional use permit to operate a micro-brewery and tasting room in an existing multi-tenant, 19,600 square foot industrial building located at 2957 Randolph Avenue. The 10,000 square foot commercial micro-brewery facility will include a 980 square foot tasting room. The hours of operation are from 5:00 a.m. to

12:00 a.m. Sunday through Thursday and 5:00 a.m. to 1:00 a.m. Friday and Saturday.

Senior Planner Antonio Gardea presented the staff report and Power Point presentation for a conditional use permit for a micro-brewery with a Type 23 ABC license (small beer manufacturer with both on and off-site consumption). Correspondences received were all in support of the micro-brewery.

The Commission spoke about Condition of Approval No. 10 (special events) and addressed possible parking problems, hours of operation for tasting room and provisions for bike racks.

PUBLIC COMMENTS

Marice White, Barley Forge representative, said they were in agreement with the majority of the conditions and requested an opportunity to review Condition of Approval No. 10 as well as Nos. 15 through 18 that pertained to the landscaping.

Greg Nylén, founder of Barley Forge Brewery, provided a Power Point presentation that covered background, recipes and labels of their product in hopes the Commissioners would approve Costa Mesa's very first Type 23 microbrewery.

Ms. White spoke about the parking, the brewery's operation and touched on who craft beer drinkers are.

The Commission discussed at length concerns they had with the brewery's parking.

Ms. White requested modifying the last sentence of Condition of Approval No. 10 (the restriction includes catering and food vendors) due to grand openings and special events. The Commissioners felt cross-colonization at the Camp was important and were in agreement to restructuring Condition of Approval No. 10.

With regards to Conditions of Approval Nos. 16, 17 and 18, Ms. White addressed concerns with modifying someone else's property because Barley Forge did not own the front setback, it was not part of their lease and they did not have the legal right to change it. When Barley Forge first submitted their project in July, they were not aware that a landscaping requirement would apply. If they had known, they would have presented a landscaping plan tonight. They were very concerned that not presenting a landscaping plan tonight would hold up building permits and certificates of occupancy thus delaying opening the brewery in January. Ms. White requested time relief for the landscaping plan.

Chair Fitzpatrick asked Development Services Director Armstrong to include a brief discussion of the Sobeca Plan in a future Planning Commission meeting. Mr. Armstrong informed the Commission there were plans in the works for the Sobeca area.

Chair Fitzpatrick asked City Engineer Fariba Fazeli to research the possibility of using Council funds to revitalize Randolph Street. Ms. Fazeli said they would propose a landscaping enhancement of Randolph Street for the next fiscal year

MOTION: Based on the evidence of the record and the findings contained in Exhibit A, the conditions of approval contained in Exhibit B with the following modifications: delete Conditions of Approval Nos. 10 and 17; change Condition of Approval No. 15 (strike everything after "shall be required."); modify Condition of Approval No. 16 to include "in a manner that is consistent with the Sobeca Plan and to the satisfaction of the Development Services Director."; revise Condition of

Approval No. 18 to read "...shall be installed in accordance with the approved plans within 180 days of occupancy."; add **Condition of Approval No. 19 to state "Applicant to provide bike storage area prior to occupancy "**. Moved by Vice-Chair Dickson, second by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

4. **Application No.** PA-13-22
Applicant: Intracorp Socal
Site Address: 643-651 W. 17th Street and
1677-1695 Superior Avenue
Zone: C1MG
Project Planner: Antonio Gardea
**Environmental
Determination:** Adoption of an Initial Study/Mitigated Negative
Declaration

Description:

1) The proposed project involves development of 49, three-story live/work units on a commercial zoned parcel and two industrial zoned parcels within the 19th West Urban Plan area. The project includes the following:

- Deviation from the 50-foot buffer zone from the adjacent industrial property;
- Deviation from the parking design standards (20' x 20' required for interior garage dimensions; 19' x 19' proposed, 49 open parking spaces required; 45 standard size stalls and four compact stalls proposed);
- Deviation from the minimum work space requirement (250 sq. ft. required, 163 and 217 sq. ft. proposed)

Vesting Tentative Tract Map 17639 –Subdivision of a 2.55-acre property for condominium purposes to allow private sale and ownership of the 49 live/work units.

Senior Planner Antonio Gardea presented the staff report and Power Point presentation.

The Commission raised concerns with the 50-foot buffer zone, parking deficiency and that the best intensions (primary use) for the live/work units would be abused.

Peter Lauener, President of Intracorp Companies, said he had reviewed the conditions of approval and had comments. He said it would be difficult to have an alternative access point for Lot 40 in Condition of Approval No. 4; asked to delete the words "floor plans" in Condition of Approval No. 12; Condition of Approval No. 52 (turnout portion only and not the right-of-way); adding "building-to-building" after 25 feet in Condition of Approval No. 56; the drainage pertaining to Condition of Approval No. 75. Mr. Lauener reported there was a reciprocal agreement for the 50-foot buffer zone and provided an overview of the project.

Beth Refakes, Eastside resident, shared Vice-Chair Dickson's concerns with the units being live/work. Having three (3) bedroom units could suggest that families

were living there and no area for the children to play. A mechanism needed to be implemented to ensure that the units were live/work and being used for a business.

Mr. Lauener understood the Commission's concerns with the units being live/work and said the units were designed with work areas containing plenty of visibility - open glass and open space facing the street.

Commissioner McCarthy suggested keeping track of the uses for the live/work units for the purpose of future projects.

Mr. Gardea reported that the revised conditions of approval had been distributed with the resolution.

MOTION: Based on the evidence of the record, the findings contained in Exhibit A and the subject conditions of approval including the Mitigation Manager program contained in Exhibits B and C and permanent uses included in Exhibit D and modifications to Condition of Approval No. 18E to read "The CC&Rs shall include a provision requiring that the ground floor work space be maintained as a work space and not converted to a bedroom, den or other non-work room."; adopt the Initial Mitigated Negative Declaration and approve PA-13-22 and Vesting Tentative Tract Map 17639. Moved by Vice-Chair Dickson, second by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

5. **Application No.:** Appeal of ZA-11-42
Applicant: Moheb Farag
Site Address: 440 Fair Dr., Ste. A
Zone: C1
Project Planner: Minoo Ashabi
Environmental Determination: Exempt

Description:

An appeal of the Zoning Administrator's decision on October 18, 2013 denying minor conditional use permit to legalize late hours of operation for an existing hookah lounge/ retail store (Harbor Hookah) until 2:00 a.m. and conditional use permit for a DJ three times a week. The business is located within 200 feet of residential uses.

Principal Planner Minoo Ashabi summarized the staff report pertaining to an Appeal of Planning Application ZA-11-42 and made a Power Point presentation.

PUBLIC COMMENTS

Moheb Farag, owner of Harbor Hookah, spoke about his experience with the Zoning Administrator and Code Enforcement officers and submitted various documents as proof and justification for his appeal. Mr. Farag did not feel that he should be punished for problems that other hookah lounges were creating.

Seyed Mehdi Hassani, hookah lounge owner, spoke of his past experience with City staff when applying for his business license for a hookah lounge. He said City staff and Code Enforcement did the same thing to his business as they did to Mr. Farad. He shared the same thoughts as Mr. Farag and did not feel it was right to punish certain hookah lounge owners for the problems that the hookah lounge on 19th Street was creating.

Allan Bohman, resident, stated he had written a letter in opposing Harbor Hookah's request for a DJ and an extension of their hours. There were four families in the area who wanted to keep the area residential and not worry about businesses having live entertaining at 2 a.m.

Chair Fitzpatrick asked if there were any other 2 a.m. business licenses at 440 Fair. Ms. Bouwens-Killeen was not sure about Hotties Pizza but said the massage parlors did not have the same hour limitations that a hookah lounge or a restaurant would have.

Mr. Farag clarified that he did not request a DJ so he did not know why it was being discussed. His business was not a night club.

MOTION: Uphold the Zoning Administrator's decision to deny PA-11-42 for a hookah lounge at 440 Fair Drive with comment. Moved by Commissioner Dickson, second by Vice-Chair Dickson.

Commissioner McCarthy commented on his visit to the Sultana Hookah lounge when they requested an extension of their business hours. He stated that hookah lounge owners would continue to encounter problems anytime their businesses were too close to residential areas and suggested relocating to commercial or industrial zoned areas.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

STAFF COMMENTS - None

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, NOVEMBER 25, 2013.

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