

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
June 14, 2010**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:00 p.m., June 14, 2010, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Righeimer.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Commissioner McCarthy led the Pledge of Allegiance.

II. ROLL CALL: Chair: James Righeimer
Vice Chair: Sam Clark
Commissioners: Jim Fitzpatrick, Colin McCarthy, and Stephen Mensinger

Present: Chair James Righeimer
Vice Chair Sam Clark
Commissioner Jim Fitzpatrick
Commissioner Colin McCarthy
Commissioner Stephen Mensinger

Absent: None.

Also Present: Assistant Plng. Commission Secy. Claire Flynn
Deputy City Attorney Tom Duarte
City Engineer Ernesto Munoz
Transportation Svs. Mgr. Raja Sethuraman
Senior Planner Mel Lee
Senior Planner Minoo Ashabi

**III. 2009 PLANNING COMMISSION DESIGN AWARD
PRESENTATION FOR THE POLICE DEPARTMENT EXPANSION
PROJECT**

The Chair made a 2009 Planning Commission Design Award presentation for the Police Department Expansion Project (99 Fair Drive) and an award certificate was presented to City Engineer Ernesto Munoz on behalf of the Public Services Department.

IV. PUBLIC COMMENTS:

Chris McEvoy, Costa Mesa, made some comments relating to "Save Banning Ranch" and expressed concern regarding development and "cut-through traffic."

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Fitzpatrick commented that he recently attended the Orange County Water Summit at Disneyland; spoke on the large water bond being placed on the ballot in November; announced his graduation from Leadership Tomorrow; said businesses with bike racks offset traffic/parking impacts; recommended that the Planning Commission have an agenda item at the next meeting concerning reducing the content of, and reducing the staff time associated with preparing the meeting minutes by using action minutes; and expressed his disappointment with the representation of his interaction with the "Save Banning Ranch" representatives at the recent Fish Fry.

Commissioner McCarthy commented that Measure "C" did pass and noted that the Orange County Register was against the measure. He complimented the Chair and Council Member Monahan's efforts. He also commented on the "Save Banning Ranch" tent at the Fish Fry; noted the recent Costa Mesa United Poker fundraiser event and the community picnic last weekend, and the Orange County Fair next month; encouraged the public to buy fireworks to support Costa Mesa athletics; and announced that Paularino School is receiving a proclamation as a 2010 Distinguished School.

Vice Chair Clark commented on Costa Mesa's First Annual Community Picnic held at Halecrest Park last weekend.

Commissioner Mensinger announced the first Battle of the Brush to be held on Saturday, June 19, which will include the football players from Costa Mesa High School and Estancia High School cleaning up dead brush and the trails at Canyon Park. He also commented on grant funding for the use of reclaimed water for the high school sports fields. Commissioner Mensinger asked staff to look into signage placed over the street (advertising on overhead cables) and City Engineer Ernesto Munoz said that Planning and Public

Services can work together on this request. In addition, he commented on the recent fundraiser "Rock Swing-a-thon" organized by Council Member Foley benefiting the Rock Program.

The Chair thanked everyone involved for participating in the fundraiser for the after school program - Rock Program. He also said he would be talking to staff about a palette of plantings for Harbor Boulevard between Gisler Avenue and Nutmeg Place.

VI. CONSENT CALENDAR:

1. Minutes for the meeting of May 10, 2010.

MOTION: Approve.

Moved by Commissioner Colin McCarthy, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS:

- 1. Application No.: PA-08-06
Site Address: 320 E. 18th Street
Applicant: Phil Schwartz
Zone: I & R
Environmental
Determination: Exempt**

Description:

Extension of time for a design review for a two-unit, two-story, single-family, detached, small-lot residential common interest development that includes (a) a variance from rear yard lot coverage (25% required; 30% proposed); (b) an administrative adjustment for 2nd story rear setback (20 ft. required; 12 ft. proposed); and (c) a minor modification to allow an 8-foot perimeter wall (maximum 6 ft. height allowed; 8 ft. proposed).

Senior Planner Mino Ashabi reviewed the information in the staff report and responded to questions from the Commission.

The Chair confirmed with the Commissioners that there were no ex parte communications.

Phil Schwartze of Newport Strategies, applicant, asked for an extension due to the economy and the death of the architect.

Beth Refakes, Costa Mesa, favored the extension and said she is looking forward to the project being built. She noted that since the property is vacant, there has been a maintenance issue relating to weeds.

Mr. Schwartze returned to the podium and agreed to keep the property maintained.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve a second time extension for the time period until May 20, 2011 for Planning Application PA-08-06, by adoption of Planning Commission Resolution PC-10-16, based on the evidence in the record. Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark, Commissioner Jim Fitzpatrick, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

2. **Application No.: ZA-10-17 and ZA-10-28**
Site Address: 3095 Harbor Blvd.
Applicant: John DeFrenza
Zone: C1
Environmental
Determination: Exempt

Description:

Request for the following: (1) a minor conditional use permit to construct a new 24-hour Sonic Burger with drive-through and carhop service and outdoor dining on the property currently containing Long John Silvers' restaurant; (2) an administrative adjustment to reduce the landscape setback along Harbor Boulevard (20 ft. required; 16'-4" proposed); and (3) a planned signing program to allow illuminated building and ground-mounted signs including a 25-foot tall pole sign and a 30-foot tall tower sign on a property within 200 feet of residential properties.

Senior Planner Minoo Ashabi reviewed the information in the staff report and she and Transportation Services Manager Raja Sethuraman responded to questions from the Commission regarding traffic impact on streets in the Spice tract; LED light visibility; interim employee parking during the grand opening period; monitoring of employee parking in residential areas; the goal for no traffic backup on Harbor Boulevard; and keeping access points (driveways) open.

Regarding ex parte communications, Vice Chair Clark, Commissioner McCarthy, and Commissioner Fitzpatrick said they each spoke to the architect and the applicant. The Chair and Commissioner Mensinger said they each spoke to the applicant.

John DeFrenza, applicant, gave a detailed presentation and discussed the revised 15' pole sign, parking, concerns about Condition of Approval No. 2 (90-day parking agreement), LEED certification, and customer amenities.

Commissioner McCarthy and Mr. DeFrenza discussed parking and the employees parking onsite after the 90-day grand-opening period; the immediate residential area being affected by offsite parking; and the conditions of approval relating to parking offsite. Ms. Ashabi noted that the applicant must provide all required parking onsite.

Vice Chair Clark mentioned that Condition No. 14 (relating to security) could handle after-hour concerns. Vice Chair Clark

and Mr. DeFrenza discussed conditions being added that no LED lights would be visible from the nearby residences and at no time the streaming music would be audible to the residential area. They also discussed disorderly customers, security, and parking stall dimensions.

Commissioner Mensinger and Mr. DeFrenza discussed landscape materials and a consistent look to Harbor Boulevard. Mr. Bill Lang, Commerce Realty, noted a plan relating to the plant palette, landscape, and architecture. He understood that the architecture is required to be similar on Harbor Boulevard from Gisler Avenue to Nutmeg Place and agreed to work with Commissioner Mensinger. Discussion continued regarding the flagpole, menu boards being too short, and the Santa Ana Sonic Burger location.

Commissioner Fitzpatrick and Mr. DeFrenza discussed the monitoring of where the employees are parking, closing the Harbor Boulevard entrance, peak periods for customers using drive-in stalls, and traffic through Mr. Lang's property next door.

Steve Jones, Sonic Coast to Coast Commercial LLC, explained about the Santa Ana site and their employee parking. Commissioner Fitzpatrick commented on Condition No. 2 requiring an interim parking plan for employee parking and also commented on landscape opportunities.

The Chair noted Condition No. 14 regarding the quiet enjoyment of the surrounding neighborhood and instituting security and operational measures to comply with this requirement. Richard Wesselink of Sonic Coast to Coast Commercial responded that they will address the security issue.

The Chair, Commissioner Mensinger, Mr. Lang, and Mr. DeFrenza discussed the master plan of adjacent properties that may include leasing excess parking spaces to the neighboring medical building, access to parking, signage, and the pole sign.

Chris McEvoy, Costa Mesa, expressed concern regarding

lighting being visible from nearby residences.

The Chair confirmed that all lighting is a concern and Mr. DeFrenza noted that the light to be generated at the Sonic Burger site is 1/2 of what is generated at the Target site.

Mr. DeFrenza agreed to the conditions and responded to the Vice Chair that the canopy is 12 feet at its highest point. Commissioner Mensinger and Ms. Ashabi discussed the height of the Target sign (25' multiple tenant sign) and Mr. DeFrenza described the pole sign with an eight-foot stone base. Commissioner Mensinger explained the commercial vision of this project and the franchise.

No one else wished to speak and the Chair closed the public hearing.

Commissioner McCarthy expressed his concern regarding signage and employees parking on nearby residential streets such as Nutmeg Place, and noted that the conditions of approval need to be specific. Commissioner Fitzpatrick added that employee parking needs to be monitored.

The Chair discussed Condition No. 3 and the menu boards and Commissioner Mensinger said he supports the conditions in place.

The Vice Chair stated that Condition No. 3 gives the City the right to mitigate if repeated violations occur. He agreed with Commissioner Fitzpatrick's idea of requiring the employees to log-in where they are parking. The Vice Chair proceeded to make a motion.

MOTION: Approve Zoning Application ZA-10-17, by adoption of Planning Commission Resolution PC-10-17, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to Condition Nos. 2, 3, and 9, and the addition of a new condition, No. 23, adopted as follows:

CONDITIONS OF APPROVAL

Plng. 2. Prior to the Grand Opening of the restaurant, the applicant shall submit an interim parking and traffic control plan to the Planning Division for review and approval to ensure that adequate employee parking is available on-site or at an authorized site through an agreement with an adjacent property owner. In addition, the plan shall indicate that employees shall be available to minimize any impacts to circulation on the adjacent streets and surrounding properties. This interim plan shall be in place for a minimum of 60 days during the “Grand Opening” and may be extended for an additional 30 days to meet customer demands as deemed appropriate by the Development Services Director. The interim plan shall be approved prior to issuance of certificate of occupancy.

3. After the Grand Opening period when the interim parking plan is no longer in place, employees of the fast food restaurant shall park on-site. Employee parking shall occur in any of the parking stalls on the property. Employee parking on the public streets shall be considered a violation of the terms of approval of the minor conditional use permit. If repeated violations occur, the Development Services Director shall have the discretion to require employee parking spaces be assigned on the property and menu boards removed from these designated spaces, or to require other appropriate measures to ensure on-site employee parking. Staff will monitor the on-site employee parking and any problematic traffic queuing problems on Harbor Boulevard and Nutmeg Place every 90 days for a one-year period following the Grand Opening timeframe. A report will be forwarded to the Planning Commission upon anytime the Commission may call up for review the minor conditional use permit.

9. The 24-hour operation of the site shall comply with the City’s Noise Ordinance. Ambient music streaming from speakers located in the outdoor patio dining area and the canopies of the drive-in stalls shall not occur during the hours of 12:00 a.m. to 6:00 a.m. and at no time audible to

residential properties.

23. LED lightbands shall be shielded by onsite landscaping or by other means as much as feasible and practicable to minimize lighting impacts to surrounding residential areas.

Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.

During discussion on the motion, Vice Chair Clark asked Commissioner Fitzpatrick for modification to Condition No. 3 relating to employee parking, specifically for the applicant to work with staff for Sonic Burger to monitor/measure employee parking.

The Chair gave his support for the motion and said the current Condition No. 3 can be removed. Commissioner Fitzpatrick asked how can the backing up of vehicles on Harbor Boulevard be addressed. He suggested continuing the interim parking plan if the problem is still evident after the grand opening period.

A discussion ensued and Commissioner Fitzpatrick stated he could not support the motion without the wording included.

Commissioner Fitzpatrick asked if language could be added to Condition No. 2, "to prevent back up of cars on Harbor Boulevard," and the seconder did not give his support.

Transportation Services Manager Raja Sethuraman noted that the occasional backup of vehicles on Harbor Boulevard is a routine concern and a recurring problem.

Commissioner Fitzpatrick noted the backup of vehicles on Harbor Boulevard is a recurring problem, but will support the project.

The Chair and Commissioner McCarthy discussed the interim parking period and queuing.

Assistant Planning Commission Secretary Claire Flynn suggested amending Condition No. 3 adding that staff will

monitor every 90 days. The maker of the motion and the seconder agreed to the amendment.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

Commissioner McCarthy mentioned that pole signs have a lot of visibility on Harbor Boulevard.

MOTION: Approve Zoning Application ZA-10-28, by adoption of Planning Commission Resolution PC-10-18, based on the evidence in the record and the findings contained in Exhibit “A”, subject to conditions in Exhibit “B”, with modifications to Finding “A” and Condition No. 1, adopted as follows:

FINDINGS

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

- **The proposed signing is consistent with the intent of Chapter VIII and the General Plan.**
- **The proposed signs are consistent with each other in design and construction taking into account sign style and shape, materials, letter style, colors, and illumination.**
- **The proposed signs are compatible with the buildings and developments they identify – taking into account materials, colors, and design motif.**
- **Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow.**
- **The planned signing program is approved as proposed**

with the exception of the 25-foot tall pole sign. The deletion of the 25-foot tall pole sign from the planned signing program is to ensure consistency in sign massing and scale with existing commercial properties in the immediate area along Harbor Boulevard. As conditioned, the 25-foot tall pole sign will be modified to a maximum 7-foot tall monument sign compatible with other commercial signage in surrounding properties. The proposed 30-foot tall tower sign facing Harbor Boulevard provides adequate visibility for the motorist driving north and south on Harbor Boulevard.

CONDITIONS OF APPROVAL

Plng. 1. The proposed 25-foot tall pole sign shall be replaced with a 7-foot tall monument sign compatible with other commercial signage in surrounding properties. Moved by Chair James Righeimer, seconded by Commissioner Colin McCarthy.

During discussion on the motion, the Chair explained he would not be supporting a 25' pole sign.

The Chair, Vice Chair Clark, and Ms. Ashabi discussed the monument sign, its maximum height (7 feet), and ground mounting. The Vice Chair pointed out that the pole sign is a problem and it is not a design of the future. He gave his support for the motion.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

The Chair explained the appeal process.

The Chair called a recess at approximately 8:34 p.m. and resumed the meeting at approximately 8:37 p.m.

3. Application No.: PA-09-18

Site Address: 845 Baker Street
Applicant: Eric A. Nelson
Zone: C1/Mixed-Use Overlay
Environmental
Determination: Exempt

Description:

Master plan to construct a mixed-use, four-story, 53-unit senior housing project with 4,980 sq. ft. retail, with up to 10% compact parking spaces (seven total) in the SoBECA Urban Plan. Deviations from Urban Plan requirements also requested.

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission.

Regarding ex parte communications, the Chair, Vice Chair Clark, Commissioner Fitzpatrick, and Commissioner Mensinger said they each met with the applicant.

Art May, USA Properties, co-applicant, made a detailed presentation.

Jan Hochhauser, Hochhauser Blatter Architecture + Planning, project architect, addressed signage, parking, and the architectural design of the project.

Commissioner McCarthy, Mr. May, and Mr. Hochhauser discussed the location of the project; proximity to public transportation and grocery stores; goals of this mixed-use project; onsite amenities; traffic rates; aesthetic appeal of the project; and square footage of the units.

Eric Nelson, authorized agent for 845 West Baker Street Lofts LLC, stated that he did not contact the Shark Club for their comments.

Commissioner Mensinger, Mr. May, and Mr. Hochhauser discussed the architectural design of the project; landscaping; affordable housing; the one and two-bedroom mix; and one elevator for the building.

Commissioner Fitzpatrick, Mr. May, and Mr. Hochhauser discussed the full-time manager and security guard onsite; the gated portion of resident-assigned parking spaces; and how to acquire more senior housing in the City.

Margaret Thibodeau, neighbor across the street in Knowleton Manor, expressed concern regarding the traffic impact this project will bring to Baker Street; the safety of the seniors crossing the street to access public transportation; and her displeasure with the building design. Ms. Thibodeau suggested a traffic light be put in at Baker Street and Randolph Avenue. She also made some comments regarding the Shark Club noise.

Beth Refakes, Costa Mesa, expressed concern regarding traffic on Baker Street, noise, parking, and fumes from the freeway causing a health hazard.

Chris McEvoy, Costa Mesa, noted the project area is noisy and commented on a problem of overflow parking from the Shark Club.

Jon Hanour, owner of the Shark Club, expressed concern regarding sound attenuation and stated the dance floor of his business is 30 feet from the project's wall. He noted that he wants to see the noise study.

Mr. May returned to the podium and said the traffic volume is significantly less with senior housing and noted no signal is needed.

Mr. Hochhauser returned to the podium and commented on the goals of the SoBECA Urban Plan and said the consultant's report notes that sound can be mitigated from the Shark Club.

The Chair closed the public hearing.

Commissioner McCarthy stated that you cannot mitigate sound impacts from the Shark Club. He also commented on the traffic speed on Baker Street; the project not being walking-friendly; and his disappointment with the project's aesthetics.

The Chair, Commissioner Mensinger, and Mr. Lee discussed the noise study incorporating window and door thickness; addressing the need for the project to be more harmonious with the community; and funding for senior affordable housing.

Commissioner McCarthy mentioned that this project is not what he envisioned and has a lot of impediments. Commissioner Mensinger said he understood Commissioner McCarthy's concerns.

Vice Chair Clark stated that he wants low income senior housing; said there is noise attenuation; and noted the applicant's ability to create a mixed-use residential project. He proceeded to make a motion.

MOTION: Approve Planning Application PA-09-18, by adoption of Planning Commission Resolution PC-10-19, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".

Moved by Vice Chair Sam Clark, seconded by Commissioner Stephen Mensinger.

During discussion on the motion, Vice Chair Clark asked the applicant to work on the noise study.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, and Commissioner
Stephen Mensinger

Noes: Commissioner Colin McCarthy

Absent: None.

The Chair explained the appeal process.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

**X. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING
AT 6:00 P.M. ON MONDAY, JULY 12, 2010.**

There being no further business, Chairman Righeimer adjourned the meeting at 10:02 p.m. to the next Planning Commission meeting at 6:00 p.m. on July 12, 2010.

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