

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
December 13, 2010 - 6:00 p.m.
City Hall, 77 Fair Drive, Costa Mesa, California**

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.ci.costa-mesa.ca.us or purchased on DVD upon request.

I. ROLL CALL:

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

Absent: None.

II. PRESENTATION TO JAMES RIGHEIMER

The Vice Chair presented a proclamation to James Righeimer in honor of his service to the City and Mr. Righeimer spoke in acceptance of the proclamation.

It was unanimously agreed to take Commissioner Comments out of order.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

During Planning Commissioner comments and suggestions, there was a discussion concerning Planning Application process improvement.

MOTION: Direct staff to schedule a Study Session to discuss Planning Application process and invite applicants to provide input and feedback. Moved by Commissioner Jim Fitzpatrick, seconded by Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

In response to Commissioner McCarthy’s request for information relating to garage sales, citations, and enforcement, Development Services Director Kimberly Brandt replied that she would follow-up and provide that information.

III. PUBLIC COMMENTS:

There was no public comment.

V. CONSENT CALENDAR:

Commissioner Fitzpatrick pulled Consent Calendar Item No. 1 for discussion.

2. Code Enforcement Update

MOTION: Receive and file.

Moved by Commissioner Colin McCarthy, seconded by Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. Minutes for the Meetings of November 8, 2010 and November 15, 2010.

Commissioner Fitzpatrick requested the record to reflect in the meeting minutes of November 15, 2010 that the applicant for Triangle Square agreed to come back to the Planning Commission with a traffic management plan.

MOTION: Approve with addition to November 15, 2010 minutes.

Moved by Commissioner Jim Fitzpatrick, seconded by Commissioner Colin McCarthy.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VI. PUBLIC HEARINGS:

- 1. Application No.: PA-10-30 & LLA-10-02**
Site Address: 1500-1548 Adams Ave.
Applicant: John S. Hill
Zone: C1
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

A Master Plan for new construction and major remodel at an existing shopping center, including the following: (1) New construction of a 4,000 square foot retail pad building (1510 Adams Avenue) and building addition remodel of former Paul Mitchell School Building (1534 Adams Avenue); (2) Variance from minimum front landscape requirements (20 feet required; 3 feet proposed); (3) Shared parking to include reciprocal access and parking for all parcels in the retail center, as well as a required deviation from shared parking requirements (272 parking spaces required; 240 parking spaces proposed); and (4) Lot line adjustment to reconfigure parcel lines for the vacant property at 1536 Adams Avenue.

Regarding ex parte communications, all the Commissioners said they had spoken with the applicant.

John Hill, applicant, made a presentation and identified the proposed benefits of the project. He agreed to all the conditions of approval.

Michael Townsend, landlord for neighboring Carl's Jr. Restaurant, expressed concerns regarding ingress and egress to the project, suggested a setback change, and asked that Adams Avenue be widened and a bicycle lane be added.

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

MOTION: Approve Planning Application PA-10-30, by adoption of Planning Commission Resolution PC-10-50, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with a modification to Condition No. 10, adopted as follows:

CONDITIONS OF APPROVAL

10. The applicant shall provide walkway and landscape upgrades along the Elm Avenue frontage for 1534 and 1548 Adams Avenue to encourage pedestrian access at the rear of the property. These upgrades shall be shown on the architectural and construction drawings and shall be subject to review and approval by the Development Services Director with prior review and approval by Planning Commission.

Moved by Commissioner Colin McCarthy, seconded by Commissioner Jim Fitzpatrick.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Vice Chair explained the appeal process.

2. **Application No.:** PA-10-32 & TT-17401
Site Address: 2079 & 2083 Thurin St.
Applicant: Peter Zehnder
Zone: R3
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

Design review and Tentative Tract Map for a two-story, 10-unit residential common interest development including (1) variance from open space (40% required; 36% proposed); (2) variance from landscape parkway width (10-foot combined width required; 6-foot width proposed); (3) administrative adjustments for side yard setback (5' required, 3' proposed) and rear setback (15' required; 10' proposed); and (4) deviation from Residential Design Guidelines for average second story side setback and second to first floor ratios.

Regarding ex parte communications, all the Commissioners said they had spoken with the applicant.

Peter Zehnder, applicant, made a presentation highlighting the project, especially relating to open space and parking.

Elfie Holzer, adjacent property owner, expressed concern regarding the side yard setback and no space for landscaping.

Steve Cirillo, adjacent property owner, stated concerns regarding setbacks, garage door access, and the location of the trash containers.

Bryce Wilson, Costa Mesa, supported the project and the extra parking it provides, but noted it is difficult to grow anything in the shaded setback.

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

MOTION: Approve Planning Application PA-10-32 and Tentative Tract Map TT-17401, by adoption of Planning Commission Resolution PC-10-51, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with a modification to Condition No. 15, adopted as follows:

CONDITIONS OF APPROVAL

15. **Permanent masonry wall(s) shall be maintained or constructed along the side and rear property lines of the development lot at a minimum height of seven feet. The perimeter walls shall have a finished quality on both sides. The wall may be a combination wood and stucco wall. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them. The Development Services Director may approve other alternative design and opaque material for the perimeter walls.**

Moved by Commissioner Colin McCarthy, seconded by Commissioner Jim Fitzpatrick.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Vice Chair explained the appeal process.

3. **Application No.: PA-10-35
Site Address: 1281 Logan Ave., Ste. C
Applicant: David Forman
Zone: MG
Project Planner: Wendy Shih
Environmental
Determination: Exempt**

Description:

Conditional use permit to allow a specialty automotive repair shop within 200 feet of residentially-zoned property.

Associate Planner Wendy Shih noted the additional language added to Condition Nos. 1 and 3.

Ms. Brandt explained business licensing and the permit process as it relates to this application.

David Forman, applicant, agreed to all the conditions of approval, including the additional language in Condition Nos. 1 and 3. He also responded to questions from the Commission.

There were no public comments and the Vice Chair closed the public hearing.

MOTION: Approve Planning Application PA-10-35, by adoption of Planning Commission Resolution PC-10-52, 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. 1 and 3, adopted as follows:

CONDITIONS OF APPROVAL

1. The use shall be limited to the type of operation described in the staff report and applicant's description (i.e. specialty Subaru automotive shop within a 2,400 square-foot unit (Unit C) and no more than three customer vehicles to be serviced on-site on any one day), subject to conditions. Any change in the operational characteristics including, but not limited to, type of services provided or an increase in floor area, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or non-compliance with conditions of approval [Title 13, Section 13-29(o)].

3. Install a minimum of three mature 24-inch box trees and 50 shrubs within the street landscape setback area and dense shrub screening along the rear planter area. This condition shall be completed under the direction of the Planning Division within 30 days of final approval of this application.

Moved by Commissioner Colin McCarthy, seconded by Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Vice Chair explained the appeal process.

4. **Application No.: PA-10-36**
Site Address: 1996 & 1998 Placentia Av.
Applicant: Morteza Khamenian
Zone: MG
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Conditional use permit to allow a specialty automotive repair shop

within 200 feet of residentially-zoned property.

Morteza Khamenian, applicant, responded to questions from the Commission.

Pat Lacey, commercial real estate broker, supported the relocation of the business and noted the project would improve the property site and the area.

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

MOTION: Approve Planning Application PA-10-36, by adoption of Planning Commission Resolution PC-10-53, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modification to Condition No. 1 and addition of Condition No. 5, adopted as follows:

CONDITIONS OF APPROVAL

1. The use shall be limited to the type of operation described in the staff report and applicant's description (i.e. hours of operation from 8 a.m. to 5:30 p.m., Monday through Friday, service and repair of luxury European motor vehicles only), subject to conditions. The maximum number of customer vehicles to be serviced shall be limited to 10 on any one day. Any change in the operational characteristics including, but not limited to, type of services provided or an increase in floor area, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

5. No vehicles that are being serviced shall be stored or parked outdoors for more than one business day. No auto body work shall occur on the property.

Moved by Commissioner Colin McCarthy, seconded by Commissioner Jim Fitzpatrick.

A discussion ensued regarding additional language for Condition No. 5 and Ms. Brandt read the revised language. The maker of the motion and the seconder agreed.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Vice Chair explained the appeal process.

VII. BUSINESS ITEMS:

1. Downtown Community Facilities/Task Force

Assistant City Manager Tom Hatch presented the report and responded to questions from the Commission related to the task force timeline, appointment of representatives, and objectives of the task force. A discussion ensued regarding unsafe conditions at Lions Park and addressing the unsafe conditions.

Beth Refakes, Costa Mesa Historical Society member, stated that a task force is a good idea in the long term and said future picnic shelter reservations should be restricted. She also said the City needs to work with the organizations that do attract the homeless.

Sue Lester, Costa Mesa, noted that not all homeless people want to be homeless. She also offered to volunteer to help on the task force.

MOTION: Ask City Council for immediate action on the following:

- A. Create a task force made up of community stakeholders to study the impact of homelessness in the City of Costa Mesa;**
- B. Authorize the Chair of the Planning Commission to appoint two Commissioners to serve on this task force;**
- C. Issue a moratorium on the picnic shelter reservations in Lions Park until such time a safe solution is determined;**
- D. Recognition that current conditions at Lions Park are unsafe which require both long-term and immediate actions;**
- E. Notify residents that unsafe conditions exist at Lions Park, Downtown Pool, and library.**

Moved by Commissioner Jim Fitzpatrick, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. Planning Commission Green Design Award Program Nomination of: South Coast Collection located at 3303 - 3323 Hyland Avenue

Commissioner Fitzpatrick nominated the SOCO property (South Coast Collection) for the Green Design Award. He noted the initiatives that have been taken to make this property "Green."

MOTION: Approve.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

Ms. Brandt announced that staff will coordinate with South Coast Collection for attendance at a future Planning Commission meeting to receive their award, possibly in February.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT:

Ms. Brandt thanked City Clerk Julie Folcik for taking the minutes at tonight's Planning Commission meeting. She wished everyone Happy Holidays.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE:

None.

X. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JANUARY 10, 2011.

There being no further business, Vice Chairman Clark adjourned the meeting at 9:45 p.m. to the next Planning Commission meeting on January 10, 2011, at 6:00 p.m.

Submitted by: _____

KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION