

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
April 13, 2009**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., April 13, 2009, 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.

Vice Chair Fisler led the Pledge of Allegiance.

- II. ROLL CALL:** Chair: James Righeimer
Vice Chair: James Fisler
Commissioners: Sam Clark, Colin McCarthy, and Stephen Mensinger

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

Absent: None.

Also present: Planning Commission Secy. Kimberly Brandt
Deputy City Attorney Tom Duarte
City Engineer Ernesto Munoz
Building Official Khanh Nguyen
Principal Planner Claire Flynn
Senior Planner Mel Lee

III. MINUTES: Minutes for the meeting of March 23, 2009

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy announced that this Saturday, April 18, is the Costa Mesa Community Run event with the proceeds going to the Costa Mesa schools. He also asked if Public Hearing Item No. 3, a time extension item, could be placed in front of the first public hearing item.

Commissioner Clark announced the Neighbors for Neighbors event for May 2 and encouraged the public to participate. He also commented that he learned about regulating group homes at the Planning Institute event he recently attended.

The Chair mentioned that as the City Council is considering how to balance the City's budget, one possibility is by limiting the Planning Commission meetings to once a month.

VI. PUBLIC HEARINGS:

- 3. Planning Application PA-05-48 and Zoning Application ZA-08-02, for Marc De Frenza, authorized agent for Roger and Barbara Allensworth, for extensions of time for a master plan for a 250-unit residential high rise project and subsequent modification of building elevations, located at 580 Anton Boulevard, in a PDR-HD zone. Environmental determination: exempt.**

Principal Planner Claire Flynn reviewed the staff report, and there were no questions of staff.

Roger and Barbara Allensworth, owners, were present and indicated that the current downturn in the economy was a reason for the extension request.

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

MOTION: Approve a two-year time extension to April 24, 2011 for Final Master Plan PA-05-48, as amended by Zoning Application ZA-08-02, by adoption of Planning Commission Resolution PC-09-12. Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair James Rigeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

- 1. Amendment No. 1. to the Mesa West Bluffs Urban Plan SP-05-08 related to mixed-use, live/work, and residential loft development standards, in the Mixed-use Overlay zone. Environmental determination: exempt.**

Principal Planner Claire Flynn gave a detailed review of the staff report, and the supplemental memo dated April 8. She also spoke about the Study Session on March 2 and the public correspondence received.

Ms. Flynn responded to questions from the Commission regarding defining the major change of the amendment; Table A1; live/work parking and loft parking; process for determining work space size; benchmark indicators from other cities regarding live/work units; and successful live/work projects.

Bryan Coggins, developer, stated that if this amendment goes forward, including Table A2, the City will detract business.

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

Vice Chair Fisler voiced his concern that he is not in favor of high density apartments on the Westside. He said he is a strong opponent to removing the minimum work space size standard in Table A2.

Commissioner McCarthy noted his concerns with Table A2.

Commissioner Mensinger pointed out that the Westside needs to improve and will eventually develop a character that reflects its full potential.

Commissioner Clark noted that he is dedicated to the Westside, but is also concerned with high density apartments.

Vice Chair Fisler emphasized for the record that he has serious concerns with live/work units reverting to high density apartments. He believed establishing certain development standards for live/work units was important.

The Chair discussed the overlay; the Nexus project on Monrovia Avenue with five live/work units; and the live/work projects in the cities of Tustin and Santa Ana. The Chair suggested going through the amendments page by page.

Ms. Flynn suggested going through Exhibits "A" - "D" in the supplemental memo followed by Ms. Brandt recommending starting with Exhibit "A" of the original staff report, the red and underlined section.

The Chair said a straw vote would be taken starting with Pg. 11.

A discussion ensued between the Chair and Commissioner Clark. The Chair referred to Pg. 16 and Ms. Brandt asked to be given direction to revise the document.

The Commissioners discussed the Live/Work and Residential Development Standards on Table A1 on Pgs. 16, and 17, and the Live/Work Development Standards on Pgs. 18 and 19. Discussions ensued between the Commissioners, Ms. Brandt, and Ms. Flynn.

Commissioner Clark stated that this amendment will go back to staff for modification, and proceeded to make a motion.

MOTION: Direct staff to modify Amendment No. 1, reflecting the discussion by the Commissioners, and return a revised resolution to the Planning Commission at their meeting of May 11, 2009.

Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.

Ms. Brandt suggested that May 11 be the date that the revised resolution is brought back to the Planning Commission.

The motion carried by the following roll call vote:

Ayes: Chair James Rigeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

The Chair called a recess at 8:03 p.m. and resumed the meeting at 8:13 p.m.

2. **From the meeting of March 23, 2009, Planning Application PA-08-31, for Scott Laidlaw/Laidlaw Schultz Architects, authorized agent for The Crossing Church, for an amendment to Conditional Use Permit PA-99-07 to construct a 932 sq. ft. café for the church and a 21,920 sq. ft. auditorium (to replace an existing temporary structure) at the front of the property instead of the rear as originally approved, with a variance from building height requirements (30 ft. maximum height allowed; 36 to 40 ft. high proposed), located at 2115 Newport Boulevard, in a C2 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding the architectural feature to cover the rooftop mechanical equipment, zoning, and the height of the building.

Tim Celek, Pastor of The Crossing Church, commented on the great working relationship they had with staff; stated that he wants to meet the timeline by fall 2010; and said the tent structure will come down at that time. He agreed to all the conditions.

Scott Laidlaw of LS (Laidlaw Schultz) Architects, project architect, explained the aspects of the project including the architectural feature, setback, and building height.

Mr. Laidlaw explained to Commissioner Mensinger details concerning the lowered building height with the two levels of seating.

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

Commissioner Clark commented on the pleasing architectural design of the project and proceeded to make a motion.

**MOTION: Approve Planning Application PC-08-31, by adoption of Planning Commission Resolution PC-09-13, based on the findings contained in Exhibit "A", subject to conditions in Exhibit "B".
Moved by Commissioner Sam Clark, seconded by Commissioner Colin McCarthy.**

During discussion on the motion, the Chair, Vice Chair Fisler, and Commissioner Mensinger expressed support for the motion.

The motion carried by the following roll call vote:

Ayes: Chair James Rigeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

The Chair explained the appeal process.

4. **Planning Application PA-09-05, for Terry Palms, authorized agent for American Equities Three, LLC, for a conditional use permit to allow ancillary pawnbroker services in conjunction with a proposed watch and jewelry store, located at 1880 Newport Boulevard. Environmental determination: exempt.**

Senior Planner Mel Lee pointed out that the applicant withdrew her application.

Deputy City Attorney Tom Duarte explained to the Chair that no action needs to be taken on this item.

5. **Review, modification, and/or revocation of two previously approved conditional use permits: a) Zone Exception Permit ZE-83-86 to allow retail sales and service of motor scooters; and b) Planning Application PA-85-216 to allow a 680 sq. ft. storage building within a parking lot. The property is located at 1880 Newport Boulevard. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report.

Commissioner McCarthy stated that since the previous item was withdrawn, he would suggest that this item be continued.

MOTION: Continue to the Planning Commission meeting of May 11, 2009. Moved by Commissioner Colin McCarthy, seconded by Chair James Righeimer.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

6. **Planning Application PA-09-06, for Hector Navarro and John Lubbers/Progressive Community & Vocational Services, LLC, authorized agents for Josiah Lilly, for a conditional use permit for an adult, day-activity center for developmentally disabled adults, located at 2034 Placentia Avenue, in an MG zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to a question from the Commission regarding the project's exit location.

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

John Lubbers and Hector Navarro, applicants, explained the great need for a daytime activity center for adults with development disabilities in this City, and in the County of Orange. They agreed to all the conditions of approval.

Mr. Lubbers and Mr. Navarro explained to Commissioner Mensinger that they have another center in Harbor City and explained the State-funded process.

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

MOTION: Approve Planning Application PA-09-06, by adoption of Planning Commission Resolution PC-09-14, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Vice Chair James Fisler, seconded by Commissioner Colin McCarthy.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen

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Noes: None.

Absent: None.

The Chair explained the appeal process.

7. **Planning Application PA-09-08, for Craig Martinelli, authorized agent for Hashem Kermani, for a conditional use permit for a live children's puppet theater, located at 3077 Bristol Street, in a C1 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and noted the modification to Condition of Approval No. 5 relating to parking. Mr. Lee responded to a question from the Commission regarding the building location in relation to nearby residents.

Planning Commission Secretary Kimberly Brandt read into the record the rewording of Condition No. 5.

Craig Martinelli, applicant, agreed to all the conditions and discussed the puppet theater and the costs.

The Chair confirmed with the other Commissioners that there were no ex parte communications with the applicant. No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Planning Application PA-09-08, by adoption of Planning Commission Resolution PC-09-15, based on the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the revised Condition No. 5, adopted as follows:

CONDITIONS OF APPROVAL

5. Should the existing rug store expand its hours of operation or be replaced by another use with concurrent operating hours, the Planning Division shall re-evaluate the on-site parking conditions. If necessary, free, on-site valet parking service shall be instituted per Planning staff approval, or off-site parking be provided with a conditional use permit approval, to prevent potential parking impacts. The applicant/business operator shall submit a valet parking plan to the Planning Division for review and approval prior to start of service.

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

During discussion on the motion, Commissioner McCarthy said this is a great project in a terrific area, and is good for kids.

Commissioner Clark agreed and supported the motion.

The Chair also supported the motion and noted he would be taking his children to this theater.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Chair explained the appeal process.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, APRIL 27, 2009.

There being no further business, Chairman Righeimer adjourned the meeting at 8:54 p.m. to the Planning Commission meeting of Monday, April 27, 2009.

Submitted by: _____
KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION