

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
April 23, 2012**

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.

I. ROLL CALL:

Present: Chair Colin McCarthy
Vice Chair Sam Clark
Commissioner Robert Dickson
Commissioner Jim Fitzpatrick
Commissioner Edward Salcedo

Absent: None

II. PUBLIC COMMENTS:

There were no public comments.

III. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Vice Chair Clark thanked the public for a good turnout for Neighbors for Neighbors.

Chair McCarthy thanked everyone who sent him well-wishes on the birth of his second child.

IV. CONSENT CALENDAR:

1. Minutes for the meeting of April 9, 2012.
2. Request for finding of public convenience or necessity for a premise-to-premise transfer of an existing State Alcoholic Beverage Control (ABC) License for an eating and drinking establishment within the Triangle (Black Knight/Olive Branch Pizza).

Motion: Approve.

Moved by Commissioner Dickson, seconded by Vice Chair Clark.

The motion to approve the consent calendar carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo
Noes: None
Absent: None

V. PUBLIC HEARINGS:

- 1. Application No.:** PA-11-02
Site Address: 2025 Placentia Avenue
Applicant: Lisa Morehart
Zone: MG
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

Conditional use permit to establish a recycling and collection facility within a new 15,910 square-foot main building with enclosed parking and a 1,970 square-foot detached storage building with a variance from rear setbacks (48 feet required; 9 feet 10 inches provided); an interpretive center to provide education and information related to recycling as an ancillary use; a reduction in required parking based on unique operating characteristics.

PUBLIC COMMENTS:

No one wished to speak and the Chair closed the public comments.

**MOTION: Continue to Planning Commission meeting of May 14, 2012.
Moved by Vice Chair Clark, seconded by Commissioner Salcedo.**

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo

Noes: None

Absent: None

- 2. Application No.:** ZA-12-10
Site Address: 450 East 17th Street
Applicant: 450 East 17th Street Associates, LLC
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

The applicant is proposing Minor Conditional Use Permit ZA-12-10 to convert a former credit union building containing drive-through lane that accommodated a drive-up automated teller machine into a drive-through coffee shop for Starbuck's Coffee and another food use.

The Zoning Administrator's approval of ZA-12-10 was appealed by a property owner (Toby Walker) and called up for review by a council member (Wendy Leece).

There was a request from the Appellant to continue this item to the Planning Commission meeting of May 14, 2012.

Commissioner Dickson recused himself due to a conflict of interest.

PUBLIC COMMENTS:

Rob Hamers, representing Appellant Toby Walker, asked to continue the item for the Planning Commission meeting of May 14, 2012.

Applicant Bryon Ward, Burnham Ward Properties, stated that to postpone the decision would put their project in jeopardy. He expressed that Mr. Walker's concerns are civil in nature and not Planning Commission matters.

Jaime MacCleod, resident, requested that the Commission move the item to the May 14, 2012 meeting.

Katie Arthur, resident, also requested that the item be continued to May 14, 2012 meeting.

Deputy Attorney Bettenhausen explained that easement rights disputed by Mr. Walker are not deliberations that the Planning Commission has the authority to make; however, they can speak about the traffic issues that may be related.

MOTION: Hear item number ZA-12-10 tonight and not postpone it to the May 14, 2012 meeting.

Moved by Vice Chair Clark, seconded by Commissioner Fitzpatrick.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Fitzpatrick, Salcedo

Noes: None

Absent: None

Recused: Dickson

Bryon Ward, applicant, explained the purpose and intent of the project, and agreed to comply with the conditions of Exhibit B. With regard to noise, Mr. Ward indicated that Starbucks will use the AVC (Adjustable Volume Control) technology in the order board. Paul Wilkinson from Linscott, Law and Greenspan, Engineers, indicated that the traffic circulation was appropriate.

Rob Hamers, representing Appellant Toby Walker, expressed his concerns about cars backing up in the egress-ingress lanes and the circulatory flow of the traffic.

PUBLIC COMMENTS:

Beth Refakes stated her concerns about traffic backing up along 17th Street and the parking lot noise late at night caused by Starbucks customers.

Katie Arthur indicated that she is happy that the building is going to be used for business but she is strongly opposed to a drive-through because of car noise, pollution, and traffic. She also disapproved the proposal to plant ficus trees.

Jaime MacLeod agreed with Katie's comments and expressed the same sentiments.

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

Bryon Ward and Paul Wilkinson responded to the public comments, after which, Rob Hamers expressed his concerns about ingress-egress point at the main drive.

Staff and Commissioners discussed about providing landscaping, including 24-inch box size trees, at the rear of the property to alleviate the residents' concern of noise.

MOTION: Approve Planning Application ZA-12-10 by adoption of Planning Commission Resolution PC-12-11 based on the evidence in the record and the findings contained in Exhibit A, subject to conditions in Exhibit B with the following changes to conditions:

- 7. Zoning approval and business license authorization for a proposed establishment where food and beverages are served shall be contingent upon validation of the parking conclusions of the March 1, 2012 parking study. This validation shall be in the form of real-time parking counts conducted within 90 days of the coffee shop being fully operational.**
- 12. Applicant shall work with staff to landscape the planter at the rear of the property in order to maximize the opportunity to provide a buffer for the residential properties including minimum 24-inch box size trees, subject to review and approval by the Planning Division Director.**
- 16. City understands that the adjacent property may hold certain easement rights over the property that is the subject of this decision. The city is not in a position to determine the legal rights between the two parcels with respect to this easement. Accordingly, the City's approval is made expressly subject to the project being in full compliance with any existing duties, rights and obligations set forth in any easements or other encumbrances recorded against the property. Any construction**

initiated by applicant is performed at applicant's own risk that it may be inconsistent with existing easements and encumbrances. Moved by Vice Chair Clark, seconded by Commissioner Salcedo.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Fitzpatrick, Salcedo

Noes: None

Absent: None

Recused: Dickson

- 3. Application No.: PA-12-05/PM-11-144**
Site Address: 164 Flower Street
Applicant: Daniel Thompson
Zone: R2-HD
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt

Description:

The proposed project involves the following:

- 1) Parcel Map PM-11-144:** Subdivision of a 0.20-acre parcel into two separate parcels for a two-unit common interest development at 164 Flower Street to allow the units to be sold independent of one another.
- 2) Planning Application PA-12-05:** Design Review for a two-unit common interest development including a minor modification for building front yard setback (20 feet required, 19 feet proposed).

PUBLIC COMMENTS:

Daniel Thompson, applicant, gave a brief summary of the project, agreed to comply with the conditions of Exhibit B and offered to answer questions.

Mike Lin, resident, stated that he was pleased with the project but was concerned that the five-foot, second floor, side yard setback will affect his privacy.

In response to questions from the Commissioners concerning a window looking directly into a resident's home, staff explained that the window faces the neighboring driveway and side of the house and would not be looking directly into another window.

MOTION: Approve Planning Application PA-12-05/PM-11-144 by adoption of Planning Commission Resolution PC-12-12 including an administrative adjustment to allow a minimum seven-foot building

setback for Parcel 1 on Fullerton Avenue to accommodate an eight-foot side yard setback for Parcel 2 on the easterly property line based on the evidence in the record and the findings contained in Exhibit A with the added finding D, subject to conditions in Exhibit B including the following changes:

D. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) in that because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications. The required dedication along Fullerton Avenue limits the width of the two parcels and the side yard setback on a neighboring property. The deviation granted is subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. The granting of the deviation will not allow a use, density, or intensity, which is not in accordance with the general plan designation and any applicable specific plan for the property. Specifically, the reduced setback of seven feet allows for installation of adequate landscaping along Fullerton frontage and provide for a larger setback on the east side between the development and the neighboring property to the east.

Exhibit B:

5. A minimum six-foot high decorative masonry wall shall be installed around the perimeter of the development.

Moved by Commissioner Dickson, seconded by Vice Chair Clark.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo
Noes: None
Absent: None

The Chair explained the appeal process.

- 4. **Application No.:** PA-11-28/T-17435
- Site Address:** 2070 Maple Avenue
- Applicant:** Bryan Coggins
- Zone:** R2-HD
- Project Planner:** Minoo Ashabi
- Environmental**
- Determination:** Exempt

Description:

The proposed project involves the development of a six-unit common interest development on a 0.31-acre site located at 2070 Maple Avenue in the City of Costa Mesa. The project includes the following:

- Master Plan PA-11-28 for development of a six-unit Residential Common Interest Development. The application includes the following requested deviations from Code requirements, Urban Plan standards, or Residential Design Guidelines:
 1. Minimum lot size (one-acre lot required, 0.31-acre proposed)
 2. Rear yard setback (20 feet required, 10 feet proposed)
 3. Minimum and average lot size for condominium lots (3,000 SF min. and 3,500 SF avg. required, 1,541 SF and 1,774 SF proposed)
 4. Minimum front yard landscape setback (20 feet required, 3 feet proposed)
 5. Minimum overall open space (40% required, 30% proposed)
 6. Minimum private open space (400 SF required, 242 SF proposed)
 7. Deviation from Residential Design Guidelines for bulk/massing.

- Tentative Tract Map 17435 for residential subdivision of the parcel into six-unit common interest development for ownership. MOTION: Recommend that City Council approve Code Amendment CO-12-05 to amend Title 13, Chapter VI, of the Costa Mesa Municipal Code.

Bryan Coggins, applicant, gave a brief summary of the project, agreed to comply with the conditions of Exhibit B, with the exception of numbers 31 and 32, and offered to answer questions.

PUBLIC COMMENTS:

Gary Roseberry, resident, stated his objection to the project’s height, density and setback.

Dave Cernicky, resident, indicated that the project will cause parking, privacy, and view issues for him in his home.

Peter Nguyen, owner of the vacant lot adjacent to the property, expressed his support to the project.

Joshua Pukini with CalPac Capital, though not opposed to the project, declared his concerns about the traffic and also possible drainage issues.

Bryan Coggins, applicant, responded to the residents' concerns about setbacks in the front yard, the limited rear yard, as well as density and privacy issues. Matt Hamilton, the applicant's civil engineer, addressed the drainage concerns of the residents.

MOTION: Approve Planning Application PA-11-28/T-17435 by adoption of Planning Commission Resolution PC-12-13 based on the evidence in the record and the findings contained in Exhibit A, subject to conditions in Exhibit B with the deletion of condition numbers 31 and 32.

Moved by Commissioner Dickson, seconded by Chair McCarthy.

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

The Chair explained the appeal process.

VI. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MAY 14, 2012.

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