

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
April 11, 2011**

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

Absent: Commissioner Jim Fitzpatrick

II. PLANNING COMMISSION 2011 MESA GREEN DESIGN AWARD PRESENTATIONS FOR:

The Chair made the 2011 Mesa Green Design Award presentations for projects associated with Mother’s Market; Newport-Mesa RV, Boat and Equipment Storage; Costa Mesa Courtyards Shopping Center; and Davis Magnet School.

III. PUBLIC COMMENTS:

There were no public comments.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

During Planning Commissioner comments, the Chair noted that tonight’s meeting will be adjourned in honor of Bruce Garlich.

V. CONSENT CALENDAR:

1. Minutes for the meeting of March 14, 2011.

MOTION: Approve.

Moved by Vice Chair Sam Clark, seconded by Commissioner Robert Dickson.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson,
and Commissioner Edward Salcedo

Noes: None.

Absent: Commissioner Jim Fitzpatrick

2. Code Enforcement Update

MOTION: Receive and file.

Moved by Vice Chair Sam Clark, seconded by Commissioner Robert Dickson.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson,
and Commissioner Edward Salcedo

Noes: None.

Absent: Commissioner Jim Fitzpatrick

VI. PUBLIC HEARINGS:

- 1. Application No.: ZA-08-02 and PA-05-48**
Site Address: 580 Anton Boulevard
Applicant: Eric Strauss
Zone: PDR-HD
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt

Description:

A two-year time extension for PA-05-48 as amended by ZA-08-02 for development of two high rise towers (22 stories and 17 stories) containing 249 residential units, 535 parking spaces, and 2,350 square feet of ancillary retail uses.

The applicant was not in attendance.

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

MOTION: Approve second two-year time extension for the time period from April 24, 2011 to April 24, 2013 for Final Master Plan PA-05-48, as amended by ZA-08-02, by adoption of Planning Commission Resolution PC-11-11, based on the evidence in the record.

Moved by Vice Chair Sam Clark, seconded by Commissioner Edward Salcedo.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson,
and Commissioner Edward Salcedo

Noes: None.

Absent: Commissioner Jim Fitzpatrick

The Chair explained the appeal process.

2. **Application No.: PA-10-38**
Site Address: 1970 Maple Avenue
Applicant: Alison Nguyen
Zone: R2-HD
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Minor design review to construct a two-unit, two-story, detached residential common interest development (condominiums) that does not comply with the recommended residential design guidelines with respect to second to first floor ratio, second floor side setbacks, and second floor building massing.

Alison Nguyen, representing the owner, said construction would start immediately after the application is approved. She also commented on keeping the second floor as is.

Robin Leffler, Costa Mesa, commented on the importance of following the Residential Design Guidelines and avoiding large boxy structures.

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

Ms. Nguyen returned to the podium and said their unit is already detached; there is no floor space on the second floor; and the front and back elevations create lot variation.

Vice Chair Clark noted there was no need for 98% coverage on the second floor.

**MOTION: Approve Planning Application PA-10-38, by adoption of Planning Commission Resolution PC-11-12, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".
Moved by Commissioner Robert Dickson, seconded by Chair Colin McCarthy.**

During discussion on the motion, Vice Chair Clark reiterated that he likes the project but there should be relief on the second story.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: Vice Chair Sam Clark

Absent: Commissioner Jim Fitzpatrick

The Chair explained the appeal process.

3. **Application No.:** ZA-09-37 A1
Site Address: 1151 Gleneagles Terrace
Applicant: William Lowe
Zone: R1
Project Planner: Rebecca Robbins
**Environmental
Determination:** Exempt

Description:

Amendment to minor conditional use permit for a previously-approved bedroom/bathroom addition and a covered deck that encroaches into the required setback from the bluff crest (10 ft. setback required; up to 10 ft. extending past bluff crest approved) to allow: (1) 18-inch deep eaves on the sides of the patio cover that extends past the bluff crest (no eaves previously shown); (2) the bedroom/bathroom addition to encroach further into bluff crest setback (5 ft. setback from the bluff crest approved; 4 ft., 3 in. setback proposed); (3) fireplace and solid wall (including support post) to extend past the bluff crest (4 ft. past the bluff crest proposed; 0 ft. past the bluff crest approved); and (4) additional roof height for both the patio cover (14 ft., 6 in. proposed; 12 ft., 6 in. approved) and bedroom/bathroom addition (13 ft., 6 in. proposed; 12 ft., 6 in. approved).

Bill Lowe, property owner, gave a presentation and commented on the stop work order.

Lea Lowe, property owner, commented on controlling runoff and view preservation.

Gene Noonan, project contractor, said he takes pride in the drainage design.

Scott Savian, Gleneagles Terrace resident, representing himself, the Halls, and the Bibeaus spoke about the inaccurate bluff crest and that the construction does not match the plans.

Alan Hall, commented that the edge of the project decking be cut back on an angle with a 10' setback.

Gail Hall, Gleneagles Terrace resident, noted that Mr. Lowe moved the bluff line.

Robin Leffler, Costa Mesa, said the project is in excess of what is allowed and the codes are not being followed.

Paula Litten, Gleneagles Terrace resident, complimented Mr. Savian on his project and the reduced length of the deck.

Beth Refakes, Costa Mesa, pointed out the importance of enforcing the codes.

Phil Morello, Costa Mesa, commented on compliance with the codes and building to plan.

The Chair closed the public comments.

Mr. Noonan was allowed to return to the podium and pointed out that they did not encroach more than 10' beyond the bluff crest.

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

MOTION: Deny Zoning Application ZA-09-37 A1, by adoption of Planning Commission Resolution PC-11-13, based on the evidence in the record and the denial findings contained in Exhibit "A".

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

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: None.

Absent: Commissioner Jim Fitzpatrick

The Chair explained the appeal process.

- 4. Application No.: PA-10-26 & PM-10-135**
Site Address: 3135, 3141, 3151, 3161, 3181, & 3195 Harbor Blvd. and 1515 Gisler Ave.
Applicant: Commerce Realty
Zone: C1
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt

Description:

Master Plan for development of three new commercial parcels for a new retail building, a new fast food restaurant (Chick Fil-A), and a new supermarket (Fresh an Easy). Exterior and site improvements to two existing parcels including the McDonalds site is also provided.

The Master Plan includes: (1) A variance from front setback requirements on Cinnamon Avenue (15' required, 5' proposed); (2) A Conditional Use Permit to deviate from shared parking and to allow reciprocal parking, ingress, and egress on the adjoining parcels; (3) A Tentative Parcel Map (TPM 10-135) to consolidate parcels for the new development; and 4) A Public Convenience and Necessity finding for off-sale alcoholic beverage sales for Fresh and Easy market.

Bill Lang, applicant and President of Commerce Realty, agreed to all the conditions of approval, including the additional condition, No. 62, and explained features of the master plan for development.

Jack Sellman, project architect, noted the pedestrian access location on the plans.

Phil Morello, Costa Mesa, questioned the necessity of placing another traffic light on Harbor Boulevard.

Robin Leffler, Costa Mesa, noted that the signals on Harbor Boulevard are in "red" mode when no cross traffic vehicles are there.

MOTION: Approve Master Plan PA-10-26 and Tentative Parcel Map 2010-135, by adoption of Planning Commission Resolution PC-11-14, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in the Revised Exhibit "B" of the Supplemental Memorandum dated April 6, 2011, and the addition of a new condition No. 62, adopted as follows:

CONDITIONS OF APPROVAL

62. All above ground utility lines on Cinnamon Avenue and Gisler Avenue shall be undergrounded.

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

During the discussion on the motion, the applicant agreed to the conditions in the revised Exhibit "B" including additional Condition No. 62.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: None.

Absent: Commissioner Jim Fitzpatrick

MOTION: Find and determine a Public Convenience or Necessity finding for the Fresh and Easy Market off-sale license, by adoption of Planning Commission Resolution PC-11-15, based on the evidence in the record and the findings contained in Exhibit "A".

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

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: None.

Absent: Commissioner Jim Fitzpatrick

5. **Application No. ZA-10-55**
Site Address: 3181 Harbor Boulevard
Applicant: Chris Gebhart
Zone: C1
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt

Description:

A Minor Conditional Use Permit to construct a 4,543 SF fast food restaurant (Chick-Fil-A) with indoor dining and drive-through service.

Don Ikeler with Chick-Fil-A said their establishment would never be open on Sunday and confirmed their support for community charities.

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

Mr. Ikeler made no further comments.

MOTION: Approve Zoning Application ZA-10-55, by adoption of Planning Commission Resolution PC-11-16, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".

Moved by Commissioner Edward Salcedo, seconded by Chair Colin McCarthy.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark , Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: None.

Absent: Commissioner Jim Fitzpatrick

The Chair explained the appeal process.

VII. BUSINESS ITEMS:

1. Technological Efficiencies for Consideration in Preparation of the Upcoming Budget

Assistant Planner Rebecca Robbins and Public Affairs Manager Dan Joyce presented information on proposed technological efficiencies for inclusion in the upcoming budget.

The Planning Commission directed staff to forward these priority items to the City Council for consideration in preparation of the upcoming budget.

Phil Morello, Costa Mesa, commented on the need to provide transparency.

Beth Refakes, Costa Mesa, commented on building infrastructure; noted she would like to see color staff reports on the website; and said there should be more than one City resident on the evaluation committee.

No motion was made.

2. Potential Revisions to City Sign Regulations

Senior Planner Mel Lee reviewed, and the Commissioners discussed, possible Code revisions relating to how building wall signage is calculated; freestanding sign standards; removing size limitation for painted wall signs, and the removal of electronic changeable copy LED signs as a prohibited sign and creating development standards.

Phil Morello, Costa Mesa, expressed concern regarding signage that had changed at the northwest corner of Harbor Boulevard at Baker Street and the possibility of non-compliance.

Syndy Neyland, Costa Mesa, spoke in opposition to allowing LED signs at Triangle Square.

Robin Leffler, Costa Mesa, spoke in opposition to allowing LED signs in Costa Mesa.

Beth Refakes, Costa Mesa, spoke in opposition to allowing LED signs stating they should be banned in the City.

The Planning Commission directed staff to forward proposed revisions to the Sign Code to the City Council for consideration.

No motion was made.

3. Mandatory Self-Certification Program Regarding the Legal Use of Apartment Garages

Karl McFarland, Costa Mesa, spoke in favor of the Public Education strategy.

Cathy Waters, apartment owner, spoke in favor of publishing a public education flyer.

Beth Refakes, Costa Mesa, noted the additional costs placed on the apartment owners and spoke in favor of the public education strategy.

Phil Morello, Costa Mesa, pointed out the potential liability involved and spoke in favor of public education.

Robin Leffler, Costa Mesa, noted that apartments can not be singled out without including single-family residence garages.

The Planning Commission directed staff to move forward on the Public Education strategy relating to the danger of garages being used for a living area.

No motion was made.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Ms. Flynn asked that there be discussion regarding Planning Commission action on Public Hearing Item No. 2 (1970 Maple Avenue) because the applicant had waited until the end of the meeting for clarification on Condition No. 3.

Chair McCarthy reiterated the importance of including Condition No. 3 in the project approval.

Deputy City Attorney Christian Bettenhausen replied that the applicant can appeal the decision to the City Council.

Ms. Flynn pointed out that the Planning Commission Study Session will be taking place on April 25.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

X. ADJOURNMENT:

There being no further business, Chairman McCarthy adjourned the meeting in memory of Mr. Garlich at 10:53 p.m. to the following:

- **PLANNING COMMISSION STUDY SESSION ON APRIL 25, 2011 AT 5:30 P.M.**
- **NEXT PLANNING COMMISSION MEETING ON MAY 9, 2011 AT 6:00 P.M.**

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