

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
June 13, 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 Jim Fitzpatrick
Commissioner Edward Salcedo

Absent: None.

II. PUBLIC COMMENTS:

John Hawley, Costa Mesa, commented on the Mesa West Bluffs Urban Plan, live/work development, effective improvements, and recognizing existing businesses.

Megan Savisar and Hunter Aires, students from Newport Harbor High School’s Surf and Environmental class, and Robert Lee of Earth Resource Foundation asked the City to adopt a City ordinance banning Styrofoam.

III. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

During Planning Commissioner Comments and Suggestions, City Engineer Ernesto Munoz provided information regarding the Joann Street Bike Trail and the City’s Ribbon Cutting Ceremony on June 30 at 7:00 p.m.

IV. CONSENT CALENDAR:

Prior to moving on the Consent Calendar, Vice Chair Clark requested that Consent Calendar Item No. 3 be pulled for discussion. The Chair asked for a motion on the remainder of the Consent Calendar.

1. Minutes for the meeting of May 9, 2011.

**MOTION: Approve.
Moved by Vice Chair Sam Clark, seconded by Commissioner Jim Fitzpatrick.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. Code Enforcement Update

MOTION: Receive and file.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

3. Review of Pilot Residential Neighborhood Enhancement Program

In response to Vice Chair Clark's request, Chief of Code Enforcement Willa Bouwens-Killeen provided a summary of the Enhancement program and answered questions. Vice Chair Clark suggested moving forward with this program to another neighborhood.

MOTION: Support staff's recommendation to consider a second neighborhood for the enhancement program but to first notice that neighborhood and invite them to a future Planning Commission meeting to provide input.

Moved by Commissioner Jim Fitzpatrick, 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,
Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

Vice Chair Clark asked if Business Item No. 2 could be moved in front of Public Hearing Item No. 1.

VI. BUSINESS ITEM:

2. Recyclable/Reusable Food Service Containers

Commissioner Dickson recused himself from the public hearing due to a conflict of interest and left the Council Chambers.

Planning Commission Secretary Claire Flynn provided an overview of the process for adopting a City ordinance.

**MOTION: Direct staff to allocate no more than 4 (four) hours of staff time to research this issue and report back to the Planning Commission.
Moved by Commissioner Jim Fitzpatrick, seconded by Commissioner Edward Salcedo.**

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

Recuse: Commissioner Robert Dickson

Commissioner Dickson returned to the Council Chambers.

V. PUBLIC HEARINGS:

1. **Application No.: PA-06-75, VT-17172
Site Address: 3350 Avenue of the Arts
Applicant: David Lurker
Zone: PDR-HD
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt**

Description:

A request for a three-year time extension for PA-06-75 for: a) a master plan development of a boutique hotel with 200 rooms, meeting facilities, restaurant, spa, and fitness facilities; a 23-story high-rise residential building with 120 condominium units; a 3,450 square foot lounge/bar; 1,740 square feet of ancillary retail uses; and a seven-level, 480-space parking structure; and b) Vesting Tentative Tract Map No. 17172 for subdivision of the property for condominium purposes.

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

David Lurker and Paul Sanford, applicants, agreed to all the conditions of approval except for the length of the time extension. Mr. Lurker requested a three-year extension instead of the recommended two-year extension due to a change in density of the property, the amount of work involved, and the non-typical economic times.

Mr. Sanford commented that the hotel is going through an extensive renovation project involving a 3 to 4-year process and an investment of 14 million dollars.

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

MOTION: Approve a three-year time extension to be valid to November 20, 2015 for Planning Application PA-06-75 and Vesting Tentative Tract Map VT-17172, by adoption of Planning Commission Resolution PC-11-19, based on the evidence in the record.

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

During discussion on the motion, the Chair expressed concern regarding approving a three-year time extension noting there would be a loss of motivation and progression.

The motion carried by the following roll call vote:

Ayes: Vice Chair Sam Clark, Commissioner Robert Dickson, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: Chair Colin McCarthy

Absent: None.

The Chair explained the appeal process.

- 2. Application No.: ZA-11-11**
Site Address: 234 E. 17th Street
Applicant: Juanita Fotheringham
Zone: C1
Project Planner: Rebecca Robbins
Environmental
Determination: Exempt

Description:

Continued from the meeting of May 9, 2011, minor conditional use permits for a new sit-down restaurant/market (Greenleaf) proposing the following: 1) to deviate from shared parking requirements based on unique features of the property; 2) compact parking spaces; and 3) to encroach into the required landscape street setback for an outdoor dining patio and bicycle racks.

Commissioner Dickson recused himself from the public hearing due to a conflict of interest and left the Council Chambers.

Regarding ex parte communications, Chair McCarthy, Commissioner Fitzpatrick, and Commissioner Salcedo said they had spoken with the applicant and the adjacent property owner. Vice Chair Clark said he had spoken with Mr. Hill and representatives of the adjacent property owner.

Don Lamm, representing the applicant, agreed with all the conditions of approval and gave a detailed presentation of the project.

Jonathan Rollo, owner of Greenleaf restaurant/market, gave a presentation on his entirely "Green" restaurant.

Ken Wink, architect, spoke about the design additions to the plans including a separated trash enclosure, parking stall design, and signage.

Paul Wilkinson, Principal with Linscott, Law & Greenspan, Engineers, explained at length concerning the parking study including discussion on signage and the refined valet parking plan.

Carol McDermott with Government Solutions said she was speaking on behalf of the adjacent property owner, Curt Herberts, and noted parking concerns, especially relating to the front parking lot. She provided a letter of proposed conditions of approval for the Commission's consideration.

Tony Petros, traffic consultant, commented on the parking study, especially the peak parking time, and asked the Commission to consider the parking for the adjacent property owners.

John Hill, architect, commented on parking poaching in the front parking lot and spoke about way-finding signs and the need for additional landscaping. He provided plan documents to the Commission.

Ms. McDermott returned to the podium and requested a non-reciprocal parking agreement; a parking attendant for the front parking lot; and that specific language be used in the conditions of approval.

Beth Refakes, Costa Mesa, spoke about her concerns on adequate parking for the adjacent businesses.

Charles Markel, Pacific Coast Realty Group, commented on the parking variance.

Mr. Lamm returned to the podium and said that Burnham-Ward was willing to include proposed condition Nos. 2, 4, 5, and 7 provided by Ms. McDermott in the conditions of approval. He also asked for a slight change to proposed condition No. 5 replacing wrought iron fence with a landscape barrier.

MOTION: Approve Planning Application ZA-11-11, by adoption of Planning Commission Resolution PC-11-20, 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. 6, and the addition of new conditions, Nos. 21, 22, and 23, adopted as follows:

CONDITIONS OF APPROVAL

- 6. If parking shortage or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem including, but not limited to, hours of operation, reduction in outdoor dining area, and/or valet parking. A six month review shall be conducted by the City's Planning Division and Transportation Division to determine if valet parking should be implemented and shall be reviewed periodically on an as-needed basis. In addition, there shall be no charge for the valet parking should it be implemented.**

- 21. The applicant shall revise the way-finding and regulatory sign program to more specifically prohibit restaurant and Pacific Plaza tenant/customers parking in the front lot, to direct restaurant parking to the rear lot, and provide for bank only parking signs either posted in planters and/or painted on the lot pavement. The applicant shall also revise the parking time limitation in the sign program for the front lot containing 9 parking spaces, under the direction of the Planning Division.**

- 22. The applicant shall revise the plan to eliminate direct access from Pacific Plaza to the parking not within the ownership of the applicant by use of a landscape barrier, as specifically relates to the walkway closest to Suite 117 (Sessions Hair Salon), under the direction of the Planning Division.**

- 23. The applicant shall require all construction vehicles to park in the rear lot. Moved by Vice Chair Sam Clark, seconded by Chair Colin McCarthy.**

During discussion on the motion, the Commissioners and staff discussed the language in Condition No. 6 and Commissioner Salcedo asked staff to consider the interim parking plan and a potential parking lot attendant.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

Recuse: Commissioner Robert Dickson

The Chair explained the appeal process.

Commissioner Dickson returned to the Council Chambers.

The Chair called a recess at approximately 8:49 p.m. and resumed the meeting at approximately 9:00 p.m.

3. **Application No.: PA-11-04 & PM-11-102**
Site Address: 1578 & 1580 Redlands Pl.
Applicant: Craig Gambill
Zone: R2-MD
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

Minor design review to construct a two-unit, two-story detached residential common interest development that does not comply with the City's Residential Design Guidelines for average second story side setback (10' average required; 8' average proposed) and a minor modification to deviate from second story rear yard setback for one of the units (20' required; 16' proposed) in conjunction with a Parcel Map for the individual sale of units.

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

Craig Gambill, applicant, gave no presentation, but noted that he will aim for a LEED Gold building certification on this development. Mr. Gambill agreed to all the conditions of approval.

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

MOTION: Approve Planning Application PA-11-04 and Parcel Map PM-11-102, by adoption of Planning Commission Resolution PC-11-21, 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 Jim Fitzpatrick.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Chair explained the appeal process.

4. **Application No.: PA-11-05**
Site Address: 325 East Baker Street
Applicant: Joe Knight
Zone: MP
Project Planner: Wendy Shih
Environmental

Determination: Exempt

Description:

Conditional use permit for a car rental agency (Fox Rent A Car) with outdoor storage of more than one rental vehicle (over 100 vehicles proposed).

Commissioner Fitzpatrick recused himself from the public hearing due to a conflict of interest and left the Council Chambers.

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

Joe Knight, Vice President of Fox Rent A Car, agreed to all the conditions of approval except for Condition No. 8. Mr. Knight stated he should not have to plant bushes on the portion of the property that he does not rent (as Condition No. 8 requires). In addition, he said he should not have to remove the truck well (as required in Condition No. 8) for the same reason.

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

Mr. Knight returned to the podium and said he would appreciate the amendments to Condition No. 8 and pointed out that he would be a good tenant.

MOTION: Approve Planning Application PA-11-05, by adoption of Planning Commission Resolution PC-11-22, 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. 8 and 9, adopted as follows:

CONDITIONS OF APPROVAL

- 8. The applicant shall obtain a final certificate of occupancy from the Building Division within 60 days of the final approval of this application. The following requirements and any other applicable Code requirements must be completed prior to issuance of the final certificate of occupancy unless otherwise extended by a period of no more than an additional 60 days by the Development Services Director:**
 - a. Provide landscape screening of above-ground equipment along Baker Street. Additionally, plant a minimum of 60 five-gallon size shrubs along the eastern section of Baker Street landscape setback to screen the front parking lot. A detailed landscape and irrigation plans shall be submitted for review and approval by the Planning Division prior to installation.**
 - b. All existing trees and planter areas shall be maintained pursuant to the Property Maintenance Regulations. All landscaping shall be maintained**

in a healthy condition free of dying, dead, diseased, decayed, and discarded and/or overgrown vegetation. No trees shall be removed without prior approval from the Planning Division.

- c. **Solid, opaque, decorative fencing, minimum 6-foot high to screen views of the rental car storage area from off-site, shall be constructed along the lease line for Fox Rent A Car. Submit a detailed fencing plan for Planning review and approval prior to installation. The fence and any gates shall not obstruct access to adjacent parking spaces.**
- d. **Complete all building and site upgrades, including new exterior paint and re-slurry the parking lot, as listed in the applicant's proposal package.**

9. The following activities shall be prohibited on the property:

- a. **Sale of new or used vehicles.**
- b. **On-site service and repair (excluding minor maintenance) of vehicles shall strictly be prohibited.**
- c. **Storage of wrecked, dismantled, and/or inoperative vehicles.**
- d. **Private party storage of any type of motor vehicles and/or recreational vehicles.**

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: None.

Recuse: Commissioner Jim Fitzpatrick

The Chair explained the appeal process.

Commissioner Fitzpatrick returned to the Council Chambers.

- 5. **Application No.: PA-11-08 & LL-11-02**
Site Address: 2258 & 2260 Orange Ave.
Applicant: Tracey Raszewski
Zone: R1
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

Construct two, two-story single family residences, each located on a separate lot with the following: 1) a variance from minimum lot size requirements (6,000 sq. ft. required; 5,500 sq. ft. proposed for each lot) with a lot line adjustment to shift an existing side property line between 2258 and 2260 Orange Avenue; 2) minor modification to allow porches of the homes to encroach into the required front yard setback (20' required; 16' proposed); and 3) a minor design review to allow two-story construction that does not comply with the City's Residential Design Guidelines for average second story side setback (10' average recommended; 5' average proposed).

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

Tracey Raszewski, applicant, asked that modifications be made to Condition Nos. 4 (providing obscure glass) and 11 (front porch setback). She explained that upon project approval, she would pull a demo permit and there would be a 5-6 week process preparing the lot for construction.

Polly Hendriks, nearby property owner, spoke in opposition to the proposed variance. She provided a comment letter for the Commission.

Bill Switzenberg, Costa Mesa, asked the Commission to consider reversing the floor plan layout for both residences.

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

Ms. Raszewski returned to the podium and said she would maintain the encroachments and would work with the neighbors.

In response to Commissioner Salcedo's question as to the purpose for her meeting with Southern California Edison, Ms. Raszewski responded that she would be removing the utility pole that is on the property and undergrounding the overhead lines.

MOTION: Approve Planning Application PA-11-08 and Lot Line Adjustment LL-11-02, by adoption of Planning Commission Resolution PC-11-23, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to Finding "C" and Condition Nos. 4, 10, 11, 12, and 13, adopted as follows:

FINDINGS

C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project, despite the requested deviation from average second story side setbacks, meets the purpose and intent of the Residential Design Guidelines and exhibits excellence in architectural

design. Specifically, the applicant will be required to provide additional elevation treatments for the interior side building elevations per the City's Residential Design Guidelines, under the direction of the Planning Division. The proposed design meets the intent of the Design Guidelines because the overall bulk/massing of the structure is in scale with the neighborhood (80% massing recommended; 60% proposed). The lack of second story articulation on the left side elevation is not considered significant given the overall size of the structure.

CONDITIONS OF APPROVAL

4. The applicant shall work with Planning staff to provide additional elevation treatments for the 5-foot interior side building elevations per the City's Residential Design Guidelines, under the direction of the Planning Division.

10. The applicant shall provide the following:
 - Provide decorative landscape driveway treatments as shown on the conceptual plans to provide visual relief for the project from the street. Final materials shall be subject to approval by the Planning Division.
 - The landscape setback area visible from Orange Avenue shall be landscaped with trees and vegetation. The landscape plan shall be approved prior to issuance of building permits and shall contain additional 24-inch box trees above the minimum Code requirements to the satisfaction of the Planning Division. Compliance with this requirement may include upgrading smaller sized trees to 24-inch box trees or providing additional 24-inch box trees.

11. All exterior property lines of the master development lot shall have solid masonry walls that conform to the City's Walls, Fences and Landscaping Standards. Wall location, height, masonry materials, and finish shall be subject to approval by the Planning Division.

12. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

13. The applicant shall modify the proposed project by reversing the floor plan layout for 2260 Orange Avenue and shall offset the second story windows for bedrooms 2 and 3 to the fullest extent possible.

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

During discussion on the motion, Ms. Flynn provided the language for the new condition relating to the reversal of the floor plan layout for 2260 Orange Avenue. The applicant agreed to the condition.

Commissioner Salcedo asked for the removal of Condition No. 11 (relating to the front porch setback). The maker of the motion, Vice Chair Sam Clark, agreed.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Chair explained the appeal process.

- 6. Application No.: PA-11-09**
Site Address: 2931, 2937 Bristol St. and
725 Baker Street
Applicant: Jennifer Lovelace
Zone: C1 and C2
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Conditional use permit to allow off-site valet parking at 2931 Bristol Street (Vista Paint) for The CAMP (2937 Bristol Street and 725 Baker Street).

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

Jennifer Lovelace, applicant, explained she was operating the off-site valet parking since January 2011 and was unaware that she needed a conditional use permit. She said she is asking for approval since her tenants have requested the valet service to continue.

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

MOTION: Approve Planning Application PA-11-09, by adoption of Planning Commission Resolution PC-11-24, 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.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Chair explained the appeal process.

7. **Application No.:** PA-11-10
Site Address: 3599 Harbor Blvd.
Applicant: Allen Just
Zone: MP
Project Planner: Mel Lee
**Environmental
Determination:** Exempt

Description:

Variance to allow the installation of a soil and groundwater remediation facility screened with a minimum 6' high masonry wall within the existing required street landscape setback for a former service station site (currently occupied by EZ Lube). The facility and wall will be removed when the remediation is complete, which is estimated to take approximately 3 years.

The Chair asked staff to provide closure language on the sunset clause.

Deputy City Attorney Christian Bettenhausen responded to the Chair's request and pointed out that the Commission needs to be very clear on the sunset time because the variance/sunset clause runs with the land.

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

Lawrence Brown, representative for applicant Allen Just, noted that only the EPA and the OCHC agencies can tell him the closure time and mentioned there could be several six-month renewals.

Commissioner Fitzpatrick asked Senior Planner Mel Lee to notify Mesa Consolidated Water District concerning this project.

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

The Chair, Commissioner Dickson, Deputy City Attorney Bettenhausen, and Mr. Brown discussed revising the wording in Condition No. 3.

MOTION: Approve Planning Application PA-11-10, by adoption of Planning Commission Resolution PC-11-25, 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. 3, adopted as follows:

CONDITIONS OF APPROVAL

- 3. The approval of Planning Application PA-11-10 shall terminate upon cessation of active remediation.**

Moved by Commissioner Robert Dickson, 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,
Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

The Chair explained the appeal process.

VI. BUSINESS ITEM:

1. Nominations for Planning Commission Design Awards and Mesa Green Design Awards.

MOTION: Select the nominated project (Vons Center Remodel) to be the recipient of the Planning Commission Design Award.

Moved by Commissioner Jim Fitzpatrick, 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,
Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

MOTION: Select the nominated projects from Page 6 of the staff report (Green Up Our Schools, Inside the Outdoors, Newport Unified School District, College Park Elementary School, California Elementary School, Paularino Elementary School, Rea Elementary School, Whittier Elementary School, Victoria Elementary School, and Davis Elementary School) to be the recipients of the Mesa Green Design Award.

Moved by Commissioner Jim Fitzpatrick, 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,
Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JULY 11, 2011.

There being no further business, Chairman McCarthy adjourned the meeting at 11:03 p.m. to the next Planning Commission meeting of July 11, 2011 at 6:00 p.m.

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