

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
January 14, 2013**

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.

II. ROLL CALL:

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

Absent: None

Vice Chair Clark announced that Public Hearing Item No. 5 has been withdrawn from the agenda.

III. PUBLIC COMMENTS:

There were no public comments.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Chair McCarthy announced that the Greenleaf is opening another restaurant in the South Coast Collection area.

Commissioner Salcedo announced his resignation.

Vice Chair Clark announced when a training class will be for the Community Emergency Response Team.

V. CONSENT CALENDAR:

1. Minutes for the meeting of December10, 2012.
2. Code Enforcement Update.

**Motion: Approve Consent Calendar.
Moved by Chair McCarthy, seconded by Commissioner Salcedo.**

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

3. Third Residential Neighborhood Enhancement Program

Chair McCarthy asked Willa for data on the previous Residential Neighborhood Enhancement Programs so they could have some comparisons to look out when considering a fourth program.

PUBLIC COMMENTS:

Jim Fitzpatrick, resident, stated how this was a successful program and would like to see a similar pilot program for business enhancement.

Motion: Move that the Planning Commission receive and file the report for Third Residential Enhancement Program and request that staff come back to the Commission with a recommendation with a Fourth Enhancement Program with the locations in mind that were discussed at the hearing.

Moved by Chair McCarthy, seconded by Commissioner Dickson.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews

Noes: None

Absent: None

VI. PUBLIC HEARINGS:

- 1. **Application No.:** CO-12-06
- Site Address:** Citywide
- Zone:** City of Costa Mesa
- Project Planner:** Minoo Ashabi
- Environmental Determination:** Exempt

Description:

Code Amendment CO-12-06 related to Costa Mesa Municipal Code regulations for Emergency Shelters, Transitional Housing, and Supportive Housing in compliance with State Law. Amendments are proposed, but not limited to the following Code Sections in Title 13 (Zoning Code) of the Costa Mesa Municipal Code: Chapter 1, Article 2, Section 13-6, Definitions; Chapter IV, Table 13-30 City of Costa Mesa Land Use Matrix; Chapter IX, Special Land Use Regulations.

Vice Chair Clark announced that CO-12-06 will be continued to the Planning Commission meeting of February 11, 2013.

PUBLIC COMMENTS:

There were no public comments.

MOTION: Move Public Hearing Item No.1 CO-12-06 and request that the Planning Commission move the application to the meeting of February 11, 2013.

Moved by Chair McCarthy, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews

Noes: None

Absent: None

2. **Application No.:** PA-12-26
Applicant: Jon Andrew Lee
Site Address: 2960 and 2968 Randolph
Zone: MG
Project Planner: Mel Lee
Environmental Determination: Exempt

Description: Conditional use permit to allow the following:

1. A bar/lounge (Commissary) to be open until 2:00am with a premise-to-premise transfer of a State Alcoholic Beverage Control License Type 48 (On-Sale General, Public Premise) and a finding of public convenience or necessity. The bar is currently located at the LAB (2930 Bristol Street) and is moving to the proposed new location at 2960 Randolph.
2. Reciprocal access and parking between 2960 and 2968 Randolph Avenue for the proposed use.

Commissioner Mathews asked about the distance from the residential area at the current location and at the proposed location. Mr. Lee responded that the current location immediately abuts the residential property to the east where as the proposed location is 336 feet away.

Jon Andrew Lee, applicant, is in agreement with the conditions of approval.

PUBLIC COMMENTS:

David Smith, resident, stated his concern with the issues of security, parking, and noise.

Marshall Topping, landlord for the applicant, stated that the applicant has been a reliable tenant and always complied with his requests.

Tammy Wilson, resident, stated her concern with the parking issues that might arise.

Commissioner Dickson asked how to ensure the valet parking will work for this application if it is needed. Mr. Lee responded that stacking vehicles on site will work at this location.

Commissioner Dickson also asked if staff currently was looking into the impact of parking in the Camp area and addressing the issues. Claire Flynn responded that staff is looking at very creative parking solutions and have meetings scheduled this week to address it.

MOTION: Move that the Planning Commission approve Planning Application PA-12-26 and based on the evidence in the record and the findings contained in Exhibit A, subject to the condition of approval in Exhibit B with the following new and/or amended conditions:

No. 5: There shall be no room or designated area reserved for the exclusive use of designated persons or “private club members.”

No. 26: No later than 180 days from the opening of the business to the public, staff shall review the customer and employee parking demand to determine if a valet parking plan, off-site parking, and/or other means to address any parking shortages would be required to be implemented by the applicant. Measures to address a parking shortage may be subject to discretionary review by the Zoning Administrator or Planning Commission.

Moved by Commission Dickson, seconded by Chair McCarthy.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

3. **Application No.:** PA-12-21
Applicant: Intracorp. Socal-1 LLC
Site Address: 1527 Newport Boulevard
Zone: C2 and MG; Westside
Urban Plans/Mixed-Use
Overlay Zone
Project Planner: Minoo Ashabi
**Environmental
Determination:** IS/MND

Description: The proposed project involves the following:

- 1) Adoption of an **Initial Study/Mitigated Negative Declaration;**
- 2) **Planning Application PA-12-21** – Urban Master Plan for development of a 40-unit live/work project at the site of an existing mobile home park within the 19th West Urban Plan area. The development includes attached three-story development with roof decks, two-car garages and open parking areas, commercial “work” space on ground floor, and living space and bedrooms at upper levels. The proposed live/work units are comprised of two bedrooms plus a den (about 2,000 square feet). A total of 80 garage parking spaces and 40 open parking spaces are proposed (120 parking spaces or three spaces per unit).

The project includes the following deviations:

- A deviation from the parking design standards (20’ x 20’ required, 19’ x 18’-6” proposed).
 - A deviation from the minimum work space requirement (250 SF required, 190 SF proposed).
- 3) **Vesting Tentative Tract Map 17501** – Subdivision of a two-acre property for condominium purposes to allow private sale and ownership of the live/work units.

Commissioner Clark asked about private open spaces in the units. Ms. Ashabi responded that they are only provided on the fourth floor deck.

Peter Lauener, applicant, is in agreement with the conditions of approval with a modification to Condition No. 22 to allow concrete swales in the alleys.

Vice Chair Clark announced that the Planning Commission does not have jurisdiction of the Closure Impact Report for Anchor Trailer Park-only about the development project that is before them.

PUBLIC COMMENTS:

Roberto Holland, stated concerns with Intracorp not having a business license in Newport Beach.

Brenda McGee, resident, stated her concerns with Intracorp not having a business license in Newport Beach and wanted to make sure everything is done legally.

Maria McCarty, resident, commented that Intracorp and its entities cannot be located in business license records.

Sue Ann Ellison, resident, stated she wanted the relocation amount to be fair.

Beverly Walter, resident, stated she is concerned the residents will not receive the relocation money promised to them by Intracorp based on the new information that they do not have a business license and would like to receive the money while in escrow.

Christy Bell, resident, stated that there is an error in the description of park being called a combination RV/Mobile Home park.

Mr. Lauener responded to the public comments by stating that Intracorp is a family of companies that have been in business since the early 1990's, and then are prepared to provide or obtain any required business licenses.

Chair McCarthy, commented that they were able to find Intracorp's business license and he does not see any flaws in the environmental documents.

Commissioner Salcedo commented that this is a good area for this project and this is the type of development that is going to be needed there.

Ms. Flynn stated a correction will be made in the final resolution to include all three action items (initial study/mitigated negative declaration, planning application, and the vesting map).

MOTION: Move that the Planning Commission approve the Adoption of an Initial Study/Mitigated Negative Declaration and Planning Application PA-12-21 for an Urban Master Plan for development of a 40-unit live/work project at the site of an existing mobile home park within the 19th West Urban Plan area and Vesting Tentative Tract Map 17501. Based on the findings set forth in Exhibit A, subject to the condition set forth in Exhibit B and Exhibit C with the following change:

No. 22: To avoid an alley-like appearance, the private street shall not be entirely paved with asphalt. The private street shall be complemented by stamped concrete or pervious pavers. The final landscape concept plan shall indicate the landscape palette and the design/material of paved areas, and the landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits.

Moved by Chair McCarthy, seconded by Commission Dickson.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Salcedo, Mathews

Noes: None

Absent: None

The Chair explained the appeal process.

4. **Application No.:** PA-12-27 and Review of
ZA-06-12 & ZA-06-44
Applicant: Tom Talebi/City of Costa
Mesa
Site Address: 2590 Newport Boulevard
Zone: C1
Project Planner: Mel Lee
**Environmental
Determination:** Exempt

Description:

The proposed project involves:

- (1) **Planning Application PA-12-27:** Variance for reduction in the existing landscape setback requirement (20 feet existing; 10 feet proposed) and more than 10% of compact parking supply (max. three compact spaces allowed, nine compact spaces proposed) for an existing multiple tenant retail center.
- (2) **Review of Minor Conditional Use Permit ZA-06-12** to include new conditions of approval and operational requirements for Starbucks. This Minor Conditional Use Permit allows a deviation from shared parking requirements for an outdoor seating area for a Starbucks coffee shop and extended hours of operation (4:30 am to 12:00 midnight, seven days a week).
- (3) **Review of Minor Conditional Use Permit ZA-06-44** for references purposes only (no changes proposed). This Minor Conditional Use Permit allows eating and drinking establishments with less than 300 sq. ft. of public area within a shopping center containing over 30% of total floor area for similar establishments.

Mr. Talebi was not present.

PUBLIC COMMENTS:

Phillip Greenberg, representing MR Devine Construction which owns the abutting properties, stated their concerns with the parking issue which affects the property next door.

Ronald Gold, resident, stated his concern with the obstructive view for cars and the accidents that happen at the intersection.

Kristine Gold, resident, stated her concerns with the parking issue on Elden Avenue, the extended hours of operation that is being proposed and the impact on their neighborhood.

Neda Bekr, store manager for Starbucks at Newport and Del Mar, stated they have been working with Mr. Lee on the parking issue to come up with a solution, and they will not be extending their hours of operation.

Vice Chair Clark asked Ms. Bekr what Starbucks is doing to shorten the amount of time people are staying. Ms. Bekr responded that they encourage customers that want to stay for a longer period of time to walk over, increased staff before peak hours, increased training for customer presence, monitor transactions per half an hour to make sure they are getting more customers through the line, and speak with customer sitting for long periods of time to make sure they know there is only 15 minute parking.

Commissioner Mathews suggested looking at the conditional use permit at the next meeting because this is a problem that is happening now and to also meet with the property owners.

MOTION: Move that Planning Commission continue PA-12-27 and Review of ZA-06-12 & ZA-06-44 to the meeting of February 11, 2013 with notice of modification and potential revocation of the conditional use permits.

Moved by Chair McCarthy, seconded by Commissioner Mathews.

The motion carried by the following roll call vote:

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

Vice Chair Clark asked staff to check on the storage company and the hours of operation.

5. **Application No.:** PA-12-24 & TT-17508
Applicant: Victoria Residential Partners
Site Address: 1259 Victoria Street
Zone: R2-MD
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

The proposed project involves the following:

- (1) **Design Review** to construct a 17-unit, two-and-three-story detached (six-inch separation between units) residential common interest development clustered within four main buildings throughout the property.
- (2) **Variance** from number of stories and overall building height for Buildings 1 and 3 (two stories/27 feet allowed; three stories/35 to 37 feet proposed).
- (3) **Variance** from street landscape setback (20 feet required; 10 feet proposed).
- (4) **Administrative adjustment** from rear yard setback for the second story of one of the units in Building 4 (20 feet required; 15 feet proposed).
- (5) **Variance** from minimum and average lot sizes for small lot common interest developments (3,000 sq. ft. min., 3,500 sq. ft. avg. required; 1,500 sq. ft. min., 2,038 sq. ft. avg. proposed).
- (6) **Variance** from parkway landscaping requirements (five feet min. req., 2.5 feet min. proposed).
- (7) **Deviation from Residential Design Guidelines** for building massing of upper story to first story percentage (80% recommended; 100% proposed).
- (8) **Deviation from Residential Design Guidelines** for building height for Buildings 2 and 4 (22 feet recommended; 25 feet proposed).
- (9) **Tentative tract map** for condominium purposes.

This item was withdrawn by the applicant.

VII. NEW BUSINESS:

1. Standard Conditions of Approval for Convenience Markets, Liquor Stores, and Mini-Markets

Chair McCarthy asked for clarification with Condition No. 39 specifically does the City have the ability to deny an ABC license. If you want alcohol in our city, you can only get it from an existing liquor license from within our city not from another jurisdiction. City Attorney Bettenhausen replied yes, the City is over saturated.

Commissioner Dickson asked if there was a condition about loitering and commented that he would like to see in the conditions of approval that if the operator is not actively seeking to prevent loitering they may lose their conditional use permit. Mr. Lee also responded that staff will add it to Condition No. 47 that the roving security patrol to prevent loitering.

MOTION: Move to adopt the Standard Conditions of Approval for Liquor Stores, Convenience Markets, and Mini-Markets based on the staff report. Moved by Chair McCarthy, seconded by Commissioner Dickson.

The motion carried by the following roll call vote:

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

Chair McCarthy asked about the small lot ordinance progression and how long it takes to go to City Council after it goes to Planning Commission. Ms. Flynn responded in spring time it will be taken to the Planning Commission and then four weeks after that is goes to Council.

VIII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON FEBRUARY 11, 2013.

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