

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
February 11, 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](http://www.costamesaca.gov) or purchased on DVD upon request.

**II. ANNOUNCEMENT BY CHAIR REGARDING PLANNING COMMISSION APPOINTMENTS.**

Chair McCarthy announced the new Commissioners will be sworn in at the February 25<sup>th</sup> meeting.

**III. ROLL CALL:**

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

Absent: None

**IV./V. PUBLIC COMMENTS:**

Gerri Cicero, resident, asked if the Victoria Street project will be coming before the Planning Commission on February 25<sup>th</sup>. Chair McCarthy answered yes.

**VI. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Dickson announced that Council approved the budget for the City’s 60<sup>th</sup> anniversary celebration.

Chair McCarthy commented that he had a good meeting with the City Manager regarding the Neighborhood Task Force.

**VII. CONSENT CALENDAR:**

1. Minutes for the meeting of January 14, 2013.
2. Code Enforcement Update.

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

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

## VIII. PUBLIC HEARINGS:

1. **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 excess compact parking spaces (10% maximum allowed; 36% proposed) for an existing multiple tenant retail center.
- (2) Review, modification, or revocation of Minor Conditional Use Permit ZA-06-12 allowing a deviation from shared parking requirements for an outdoor seating area for Starbucks coffee shop and extended hours of operation (4:30 am to 12:00 midnight, seven days a week).
- (3) Review, modification, or revocation of Minor Conditional Use Permit ZA-06-44 allowing 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.

Commissioner Dickson asked when the first project was reviewed if Wi-Fi was a significant part of their business and if it was taken into consideration for the parking calculation. Mr. Lee responded no.

Tom Talebi, applicant, is in the agreement with the conditions of approval.

### **PUBLIC COMMENTS:**

Phillip Greenberg, representing M.R. Devine Construction Inc., stated objection to ZA-06-44 because of the parking problems.

Blythe Persinger, representative of Starbucks, stated they monitor their speed of service to ensure getting customers through the line quickly.

Vice Chair Clark asked what was Starbucks plan with the long term effects of the customers staying and using Wi-Fi. Neda Bekr, store manager for Starbucks at Newport and Del Mar, responded that they encourage their customers that are going to stay for long periods of time to walk to the Starbucks.

Commissioner Salcedo asked about having time limit parking stalls. Ms. Persinger responded they do like that option because it would help them manage the parking situation.

Mr. Talebi responded that the parking was striped green in 2006 for 15 minute parking and now it is not legible because it has not been striped again. They did not enforce it because towing could not happen until after an hour and they would have had to hire someone to mark tires.

Mr. Salcedo suggested having designated parking spots for the other business.

Commissioner Dickson stated that he wants to add two conditions of approval: this comes back to Planning Commission for review six months after construction is complete and before that meeting the applicant would pay for a parking study.

**MOTION: Move that the Planning Commission hereby approve Planning Application PA-12-27 and for the modification of ZA-06-12 based on the evidence in the record and the findings contained in Exhibit A, subject to the condition of approval in Exhibit B, with no action taken on Condition 3 with the following new and/or amended conditions:**

**No. 7: Permits shall be obtained and construction commenced on parking lot modifications approved per PA-12-27 no later than 45 days from the date of approval of this resolution.**

**No. 8: PA-12-27 shall be brought back for a status update report to the Planning Commission no later than six months from the date of completion of the parking lot modifications. Prior to the item being agendaized to the Planning Commission, the applicant shall, at his own expense, have a professional parking study prepared pursuant to a recommended methodology by the Transportation Services Manager and Assistant Development Services Director. For example, the parking study may include a parking utilization study during morning and afternoon peak periods indicating parking demand and turnover every 15 minutes; summary of how many vehicles have been towed from the property; extent of any vehicle queuing, etc.**

**No. 9: Eleven parking spaces located immediately abutting the building frontage shall be designated for short term parking, including newly painted green curbs and marked "15 minutes only". Appropriate signage regarding vehicle towing shall be installed and towing shall be enforced in the parking lot area.**

**Moved by Vice Chair Clark, 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.

- 2. Application No.: PA-13-01**  
**Applicant: Kim Koch/Farpointe**  
**Site Address: 1143 Aviemore Terrace**  
**Zone: R1**  
**Project Planner: Mel Lee**  
**Environmental**  
**Determination: Exempt**

**Description:**

(1) Variance from front yard setback requirements for a one-story single-family residence (20 feet required; eight feet to covered entry foyer proposed).

(2) Minor conditional use permit to construct an unenclosed deck that encroaches into the required bluff crest setback (10-foot setback from bluff crest required; proposed deck extends approximately eight feet over the bluff crest).

Chair McCarthy asked if the neighbors next to the applicant had any rights to their view from their backyard. City Attorney Bettenhausen responded that the City does not have any view ordinances and no expectation that the view would be protected.

Kim Koch, applicant, is in agreement with the conditions of approval.

**PUBLIC COMMENTS:**

Geri Cicero, resident, stated concerns with the slippage below the properties and honoring the building permit process.

Jeffrey Childs, resident, stated that construction of a structure up on un-compacted fill will create liability.

Mitchell Goodz, resident, stated concerns with the height of the structure encroaching the views and homeowners should be protected against this.

Mr. Koch responded that they will be doing soil testing for the stability of the slope and he is willing to meet with neighbors to address their concerns.

**MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A, subject to the condition of approval in Exhibit B, the Planning Commission approve Planning Application PA-13-01 with a minor addition to the approval resolution to state 13 feet to the new habitable portion of the residence proposed and with the following new and/or amended conditions:**

**No. 10: The applicant shall submit a soils report for this project. Soils report recommendation shall be blueprinted on both the architectural and grading plans. Soils report shall contain recommendations on how to protect the existing slope from failure. Provide borings a minimum of 30 feet at slope area. Existing top of slope shall be surveyed and shown on the grading plans.**

**No. 11: 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.**

**Moved by Commission Salcedo, seconded by Vice Chair Clark.**

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-12-28**
- Applicant:             Justin Brown**
- Site Address:         440 Fair Drive, Suite 212**
- Zone:                 C1**
- Project Planner:     Mel Lee**
- Environmental**
- Determination:       Exempt**

**Description:**

Conditional use permit to establish a tattoo parlor within an existing multiple tenant commercial building. Operating daily from 1pm to 9pm, by appointment only.

Commissioner Dickson asked Mr. Lee about if the proposed sign complied with signage restrictions in the conditions of approval. Mr. Lee responded the property has a planned signing program which stipulates for internally illuminated cabinet wall signs at the exterior of the building and this establishment signage would have to comply with these provisions.

Chad McBaine, manager for the proposed business, is in agreement with the conditions of approval.

Chair McCarthy asked Mr. McBaine how they plan to get the existing banner violations resolved. Mr. McBaine responded that they will get the property owner, Dennis Delassio, involved to help resolve it.

**PUBLIC COMMENTS:**

There were no public comments.

Commissioner Dickson asked Mr. Lee about how the information from the Police report was generated. Mr. Lee responded they based their info on the tattoo establishments that have been approved by the City and no calls were received.

Vice Chair Clark stated objection with making this business responsible to get the other business' banner violations taken care of before they can open.

Commissioner Mathews expressed concerns with the impact of Condition No. 10 on the opening of the business.

**MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A, subject to the condition of approval in Exhibit B, the Planning Commission approve Planning Application PA-12-28.**

**Moved by Commissioner Salcedo, seconded by Commissioner 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.:       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.

**PUBLIC COMMENTS:**

Beth Rafekus, resident, stated concerns with the table on handwritten page 5 saying our City's length of stay only specifying 120 days and not including in a 365 day period like the other cities. She also stated concerns with trying to implement only Costa Mesa residents being allowed to stay in a facility.

Chair McCarthy responded that Commissioner Dickson pointed out that the proposed ordinance (Attachment) specified that the maximum length of stay shall not exceed 120 days in a 365 day period.

**MOTION: Move that the Planning Commission recommend to City Council to give first reading of the ordinance in compliance with State Law and recommend adoption of operational guidelines by minute order.**

**Moved by Vice Chair Clark, seconded by Commissioner Salcedo.**

The motion carried by the following roll call vote:

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

**IX. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON FEBRUARY 25, 2013.**

Submitted by: \_\_\_\_\_  
CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION