

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION**

February 23, 2004

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., February 23, 2004 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Garlich, followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

Commissioners Present:

Chairman Bruce Garlich

Vice Chair Bill Perkins

Katrina Foley, Dennis DeMaio and Eric Bever

Also Present: Perry L. Valentine, Secretary

Costa Mesa Planning Commission

Marianne Milligan, Sr. Deputy City Attorney

Ernesto Munoz, City Engineer

Kimberly Brandt, Senior Planner

Mel Lee, Associate Planner

Wendy Shih, Associate Planner

MINUTES:

The minutes for the meeting of February 9, 2004 were carried over to the meeting of March 8, 2004.

PUBLIC COMMENTS:

Tim Lewis, 2050 Charle Street, Costa Mesa, requested that speakers not resort to personal attacks, as he felt some did at the previous meeting. The Chair commented that he was not aware that had happened.

**PLANNING COMMISSIONERS
COMMENTS/SUGGESTIONS:**

Chairman Garlich reported on the last meeting of the Downtown Eastside Traffic Committee that said staff had forwarded the Committee's Report to City Council.

CONSENT CALENDAR:

On a motion made by Chairman Garlich, seconded by Vice Chair Perkins and carried 5-0, the item on the Consent Calendar received the action below.

ANNUAL REVIEW OF
DEVELOPMENT AGREEMENT
DA-03-06

South Coast Plaza/Freeman

Development Agreement DA-03-06 for Paul Freeman, authorized agent for South Coast Plaza, for the annual review and amendment of the Segerstrom Town Center Development Agreement (DA-00-02), located east of Bristol Street, south of Sunflower Avenue, west of the Avenue of the Arts, and north of Anton Boulevard, excluding the Segerstrom Center for the Arts. Environmental determination: exempt.

Based on the evidence in the record, the Planning Commission recommended to City Council: (a) that it determine and find that South Coast Plaza has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-02; (b) that first reading be given to the draft ordinance amending the development agreement regarding the parking structure designated for discount parking; and (c) that future annual reviews of this development agreement be delegated to the Planning Commission.

PUBLIC HEARINGS:

DRAFT ORDINANCE/MINIMUM
LOT SIZE AND COMMON LOT
REQUIREMENTS (SMALL LOT
DEVELOPMENTS)

The Chair opened the public hearing for consideration of a draft ordinance clarifying minimum lot size and common lot requirements in small-lot developments located in residential and planned development zoning districts. Environmental determination: exempt.

City

Senior Planner Kimberly Brandt reviewed the information in the staff report and gave a brief visual presentation clarifying some of the ex-

isting zoning regulations contained within the City’s Municipal Code as they relate to small lot residential developments. She said staff recommends Planning Commission recommend to City Council, that first reading be given to the draft ordinance.

Commissioner Foley thanked Ms. Brandt for her efforts and clarifications with respect to this ordinance.

Terry Shaw, 420 Bernard Street, Costa Mesa, questioned where the useable open space was coming from if not the common area. Ms. Brandt explained that Mr. Shaw’s query relates to the Planned Development Zoning Standards, and there is perimeter open space required within a Planned Development Zone. In addition to the perimeter open space there may be private recreational tot lots or park areas within the overall development that may be accounted for in this calculation.

Commissioner Foley confirmed with staff, on Mr. Shaw’s behalf, that the standards were not being changed, but rather being made clearer to prevent confusion.

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

MOTION:
Ord./Minimum Lot Size and Common Lot Requirements (Small-Lot Developments)
Recommended First Reading

A motion was made by Commissioner Foley, seconded by Vice Chair Perkins and carried 5-0 to recommend to City Council, that first reading be given to the draft ordinance for minimum lot size and common lot requirements in small-lot developments.

Ms. Brandt stated that this item would go to the City Council meeting of March 15, 2004.

TENTATIVE PARCEL MAP
PM-03-243

Doug DeCinces/Tim DeCinces

The Chair opened the public hearing for consideration of Tentative Parcel Map PM-03-243 for Tim DeCinces, authorized agent for Doug DeCinces, for four single-family residential lots and one common lot to accommodate a previously approved four-unit, small-lot common interest development, located at 2441 Elden Avenue in an R2-MD zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a visual presentation of the site characteristics. Ms. Shih said staff recommends approval by adoption of Planning Commission resolution, subject to conditions.

Tim DeCinces, 463 Flower Street, Costa Mesa, agreed to the conditions of approval.

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

MOTION:
PM-03-243
Approved

A motion was made by Vice Chair Perkins, seconded by Commissioner Foley and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-19, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit “A”, subject to conditions in exhibit “B.”

The Chair explained the appeal process.

EXTENSION OF TIME FOR
PA-01-03/PA-01-04

Beacon Bay/Taylor

The Chair opened the public hearing for consideration of an extension of time for PA-01-03/PA-01-04 for Wesley Taylor, authorized agent for Beacon Bay Enterprises, Inc./Robins Properties and Nancy Mostaan, to allow motor vehicle sales with an administrative adjustment to deviate from front landscape setbacks for auto display purposes on the front half, and establish outdoor storage of vehicles on the rear half of a commercial property formerly containing a car wash at 2059 Harbor Boulevard in a C2 zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of site characteristics. His review included a brief summary of his findings, and a description including

photographs, of the progress of the cleanup at the site that the applicant initiated since the Planning Commission hearing on January 26, 2004.

There was discussion between Vice Chair Perkins and Mr. Valantine concerning extending the time period to a full two years.

There was discussion between the Chair and staff regarding whether some of the improvements could be installed before the soil remediation is completed. Mr. Lee stated that the County representative confirmed that the landscaping would not interfere with monitoring wells and no remediation equipment would have to be removed from the site in order to complete the landscaping plan. There was also discussion between the Chair and staff relating to the location of the wall.

Wesley Taylor, 2001 Sabrina Terrace, Corona del Mar, representing Beacon Bay Enterprises (owner of the property) and Robbins Properties (prospective buyer), stated that everyone agrees that the improvements can be done on the Charle Street side of the property without interfering with the remediation (equipment or operation) if the cost is disregarded. He said it's impractical from a business standpoint, but if the City insists then there isn't much choice, but the improvements will have to come out when they remove the wells. He said those wells cannot remain underground. The Chair acknowledged this was a point of contention and he would like to confirm whether the landscaping and wall could be put in without that occurring. Mr. Taylor said it can be constructed, but after the remedial work is finished, the wells all have to be removed and it isn't a matter of just disturbing 2 or 3 feet around the wells and the excavation equipment. He said he went through this in Whittier a few years ago and half the improvements were destroyed; perhaps the wall itself may have to come down. The map is not drawn to exact preciseness and they do not know if the well is exactly where the wall is or 2-3 feet one side or the other.

In response to a question from Commissioner Foley, regarding his conversation with the County representative about what happens when they need to remove the wells, Mr. Lee stated they confirmed that when the well is removed, the developer replaces the improvement around the location of the wells. In this instance, because plantings will be around the well, they believe the plants could easily be replaced. In response to Commissioner Foley, Mr. Lee said the entire area in front of the wall it would be planted. The wall would not have to be removed, only the planting itself.

In response to a question from Commissioner Foley about how large the well area is that would have to be excavated, City Engineer Ernesto Munoz stated that the wells are generally small in diameter and they excavate 2 or 3 feet down before capping them; an area of about 1 or 2 feet. Commissioner Foley stated landscaping could be limited to ground cover because it's easily replaced at minimal cost.

Vice Chair Perkins confirmed with Mr. Taylor that condition of approval #21 requires the installation of landscaping; and condition of approval #18 provides for storage of the vehicles for as long as the extension runs. Mr. Taylor pointed out all the unknowns about this project and felt it was not good business sense to put in permanent landscaping and the wall, because it would have to be redone again when the remediation was completed. Mr. Taylor suggested that ivy be planted on the back wall because it grows fast, is less expensive and makes a good cover and prevents graffiti. In response to the Chair, Mr. Taylor said Mr. Robbins is willing to do that and he would install a water line with sprinklers for the planted area.

Commissioner Foley asked Mr. Lee when he spoke with the County

representative, was there any reason they believed the 15-foot landscape setback on Harbor Boulevard would interfere with the remediation. Mr. Lee stated that none of the improvements along Harbor Boulevard would interfere with any part of the remediation and the representative confirmed that there is no remediation going on in that area. He confirmed that the full width of landscaping could be put in as shown on the approved plan.

Commissioner Bever confirmed with Mr. Taylor both of his clients are in the middle of an escrow that will not be completed for 2 years and that's why less costly beautification measures are preferred. Commissioner Foley confirmed with Mr. Lee that this application was first approved on September 4, 2001. She indicated it has already been over two years and several months, and it has been said that it may not be completed in another two years. Each time an extension is requested the Commission has been supportive in assisting to save costs and, to this point, the Commission has no assurance that completion will even happen in two years.

There was discussion between Commissioner Foley, Mr. Lee, and Mr. Valentine regarding existing sites in the City with ongoing remediation while business goes on as usual. Mr. Lee described one site where remediation was recently completed.

There was discussion between the Chair, Mr. Taylor, Mr. Lee and Mr. Valentine regarding the actual date to end the extension.

There was discussion between Vice Chair Perkins and Mr. Taylor regarding a condition of approval requiring six-month progress reports, to which Mr. Taylor was amenable.

Terry Shaw, 420 Bernard Street, Costa Mesa, said he agreed with Commissioner Foley as far as the mitigation is concerned. He felt another 2 years for this lot to remain in its present condition was not acceptable because it's on a major artery.

Tim Lewis, 2050 Charle Street, Costa Mesa, noted he documented a lot of sites in Costa Mesa that are very well landscaped and have functioning businesses with ongoing remediation taking place at the same time. He said he has a lot of experience with his own site as far as remediation is concerned and as indicated, abandoning a well is not a big deal. He said the monitoring well would probably be there for the life of the property because no site is ever permanently closed and requires monitoring to make sure the contamination does not return.

Commissioner Foley asked Mr. Munoz to explain his understanding with regard to the wells and the life of the property. Mr. Munoz stated that they are minimum requirements by the County as to when the piece of land is actually remediated, but the wells themselves are essentially left in place after they are capped. He said whether the wells are doing their job and continue to monitor the water quality, is up to the County. The County decides if it has been remediated to the extent required.

Patrick Shea, President of Beacon Bay Enterprises, 1600 Sunflower Avenue, Costa Mesa, stated that on the block wall on Charle Street, would be almost over the well designated "SP1." A 6-foot block wall would require at least a 4' footing and would require SP1 to be moved. He maintained abandoning of those wells is going to require removal of any improvements above them. If it's landscaping, it much easier, but if it's a 6-foot block wall, it requires removal of the wall to pull the pipe out and fill with slurry.

Mr. Shea stated that the wall in back is screened from the residents on Charle Street; the chain link fences are covered; the wall is painted and has been repainted several times. If it is necessary to put

in 15 feet of landscaping, the wall would have to be moved back 15 feet. In response to the Chair, Mr. Shea felt the ivy suggestion on the wall was acceptable.

Commissioner Foley said if the Commission is to require the wall on the Charle Street side, that it be worked out with staff as to the location and to confirm or deny that it is actually going to be on top of a problematic area. Mr. Lee pointed out that, depending on the precise location of the well, this could result in either more or less than 15 feet of landscaping. Mr. Valentine stated another option would be, if the wall was installed now, a statement saying that “any portion of the wall that may be within 10’ of a well can be installed with temporary fencing until the well is removed” [a gap in the wall with some chain link fencing, with slats, etc.] and would be something that is more easily removed than a concrete footing and a block wall.

Commissioner Foley expressed great difficulty in understanding the time element for this remediation and the fact that the applicant does not wish to improve their property in the meantime, as required by the City. She asked why is it that other sites in the City are able to complete their landscaping and carry on business, or even several businesses while remediation is going on. She concluded it is not a problem because staff has confirmed twice with the County that it is not a problem.

Mr. Taylor announced that Mr. Robbins, 2060 Harbor Boulevard, Costa Mesa, has agreed to the 15-foot landscaped setback, and instead of the wall, a 6-foot chain link fence with screening, which can be moved or destroyed because it would not waste too much money. He said he would assume that when permits are taken for the construction of the other improvements up front, he would be required to replace the chain link fence with the proposed block wall.

Commissioner Foley asked if Mr. Robbins would be agreeable to the screening being planting material as opposed to just netting. In response to the Chair, both Commissioner Foley and Mr. Shea confirmed that slats and live plants would be used to form an opaque cover on the chain link fence, without netting.

The Chair expressed concerns regarding the two entrance/exits on Charle Street. Mr. Robbins explained the need to be able to continue to use both entrance/exits until completion of the project. He said when the final conditions come into place, there will be only one driveway and one gate. The Chair agreed.

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

MOTION:
PA-01-03/PA-01-04
Approved

A motion was made by Vice Chair Perkins, seconded by Chairman Garlich, and carried 4-1 (Foley voted no) to approve an extension of time to September 4, 2004, by adoption of Planning Commission Resolution PC-04-20, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit “A”, subject to conditions in exhibit “B” with the following modifications:

Conditions of Approval—PA-01-03

- 21. Until remediation is completed and improvements installed, the applicant shall provide a minimum 15-foot landscape setback along Charle Street and a 4-foot landscape setback along Harbor Boulevard, and shall provide a 6-foot high chain link fence with slats and planting material along the Charle Street frontage to form an opaque screen, to be replaced with a solid block wall when the site remediation is completed.

Conditions of Approval—PA-01-04

- 18. Delete.

19. The applicant shall provide bi-annual reports of the status of the site remediation to the Planning Division for review.
20. Until remediation is completed and improvements installed, the applicant shall provide a minimum 15-foot landscape setback along Charle Street and a 4-foot landscape setback along Harbor Boulevard, and shall provide a 6-foot high chain link fence with slats and planting material along the Charle Street frontage to form an opaque screen, to be replaced with a solid block wall when the site remediation is completed.

Mr. Valantine made a point of clarification that PA-01-03, #21 should be added into both sets of conditions (PA-01-03/PA-01-04) to read the same.

The Chair explained the appeal process.

EXTENSION OF TIME FOR
PA-02-26

Ellis/Simon

The Chair opened the public hearing for consideration of an extension of time for Planning Application PA-02-26 for F. Earl Mellott, authorized agent for Dr. Ken Millian, for a master plan to allow construction of a 6,000 sq. ft. addition to the existing Newport Harbor Animal Hospital with a minor conditional use permit to allow a reduction in required parking (46 spaces required; 39 proposed) and to allow compact parking spaces (a maximum of 10% allowed; 10% proposed), located at 125 Mesa Drive in a PDC zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a visual presentation of the site characteristics. She said staff recommends approval by adoption of Planning Commission resolution, subject to conditions.

Earl Mellott, authorized agent for the applicant, 12752 Garden Grove Boulevard, Garden Grove, agreed to the conditions of approval.

Luke McDaniel, 141 Mesa Drive, Costa Mesa, adjacent to the east-side of the subject property, said the applicants are great neighbors but there are currently some problems with the noise generated from the property; primarily, there seems to be a lot of emergencies; dogs are barking, and trash trucks are loud. He said he knows manager Pat Simpson and has complained to her, and also sent a letter to the City. He felt along with the expansion of the facility, a noise barrier, such as a concrete wall with some attractive landscaping, could be installed to buffer the noise.

In response to a question from the Chair, Sr. Deputy City Attorney stated that the only issue before the Commission at this time is whether to grant an extension. If the Commission wished to change any of the conditions, this item would have to be renoticed so people would be aware of the change in conditions. The Chair confirmed. He also commented that Mr. McDaniel's letter was discussed at the study session, and that some of the noise in part, resulted from staff failing to close the door when the animals were inside the facility. Mr. McDaniel stated that there is currently a wooden fence and having lived there, attested it does not do the job.

Commissioner Foley asked Mr. Mellott what his plan is for the existing wooden fence. Mr. Mellott said that his client wants to be a good neighbor and is willing to put up a block wall. He was not sure about how much landscaping they could do because they have asphalt paving up against the wall, but they would do some additional landscaping. He said they would not be able to bring the wall all the way to the street because there would be a sight problem, but it should help to buffer the noise. Commissioner Foley confirmed with Mr. Mellott, even though the Commission could not formally make it a condition, that he was agreeable to building the wall and adding landscaping.

MOTION
PA-02-26
Approved

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

A motion was made by Commissioner Bever, seconded by Vice Chair Perkins, and carried 5-0 to recommend to City Council, approval of an extension of time to January 6, 2005 for Planning Application PA-02-26, by adoption of Planning Commission Resolution PC-04-21, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

In response to the Chair, Mr. Valentine stated that this item would go to the City Council meeting of March 15, 2004.

PLANNING APPLICATION
PA-03-20

Eberhard/Southern Sun Construc.

Planning Application PA-03-20 for Southern Sun Construction, authorized agent for Orange North Apartments, LLC/Vern Eberhard, for a Master Plan to replace six legal, nonconforming residential units with 2-story, 6-unit detached apartment units, located at 2653 Orange Avenue in an R2-MD zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics. He said staff recommends approval by adoption of Planning Commission resolution, subject to conditions.

The Chair asked if, in view of the changes and modifications made to the original plans, if conditions of approval #10 and #11 would still be valid. Mr. Lee said they would no longer be applicable because the revised elevations and window treatments have been addressed.

Brett Isaacman, Southern Sun Construction, 17775 Main Street, Irvine, authorized agent for the applicant, agreed with the conditions of approval.

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

MOTION:
PA-03-20
Approved

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-22, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following deletions:

Conditions of Approval

- 10. Delete.
- 11. Delete.

The Chair explained the appeal process.

PLANNING APPLICATION
PA-03-50

Temir Sacuy/Hoover

Planning Application PA-03-50 for Ron Hoover, authorized agent for Temir Sacuy and David Ochoa, for a design review to construct three detached, two-story residential units on a site with an existing two-story dwelling unit, with a variance to determine Mesa Drive to be the front of the development lot, located at 191 and 199 Mesa Drive in an R2-MD zone. Environmental determination: exempt.

Staff recommended a continuance because the applicant requested additional time to complete the revisions to their plan.

MOTION
PA-03-50
Continued

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins and carried 5-0 to continue this item to the Planning Commission meeting of March 8, 2004.

**REPORT OF THE
DEVELOPMENT SVS.
DEPARTMENT**

Mr. Valentine announced the designated for nominations for the Planning Commission's biannual Design Awards Program.

MOTION

Commissioner Foley moved to grant 2 awards to Providence Park Model Homes/Standard Pacific Homes located on Susan Street, and

Design Awards Program
Award to 2 entries

Infinity Homes Costa Mesa, LLC/Clifton S. Jones III, a small lot subdivision located at 2450 Elden Avenue. It was seconded by Vice Chair Perkins and carried 5-0.

During the motion, Chairman Garlich said he nominated the Providence Park Model Homes because the variations in the Mediterranean architectural themes of these homes, coupled with innovated drive and garage treatments, with old-fashioned front porches, are amenities that make these homes a pleasant addition to Costa Mesa's housing stock.

Commissioner Foley felt the developer did a lot to utilize energy efficiency and Energy Star features within this development, which would be good for the future.

Vice Chair Perkins commented that he and his wife toured these homes and they felt the homes looked wonderful.

Commissioner Bever said his nomination of the small-lot subdivision at 2450 Elden Avenue includes a hospitable neighborhood. He said there are a lot of R2 lots of this nature in that part of the City that are up for redevelopment and this is one of the criteria which is setting standards for future development. From that standpoint, he believed it does this. In addition, it seemed that the developer was able to get away from the "canyon effect" of many small-lot subdivisions with a central driveway.

Commissioner Foley said she also liked this development because she could appreciate how they utilized the stone on the outside and the decorative aspects of the streetscape, which makes the neighborhood much nicer.

REPORT OF THE SR. DEPUTY CITY ATTORNEY None.

ADJOURNMENT: There being no further business, Chairman Garlich adjourned the meeting at 7:57 p.m., to the study session of Monday, March 1, 2004.

Submitted by:

PERRY L. VALANTINE, SECRETARY
COSTA MESA PLANNING COMMISSION