

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
February 14, 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. SWEARING IN OF NEWLY-APPOINTED PLANNING COMMISSIONERS.

City Clerk Julie Folcik swore in the newly-appointed Planning Commissioner Edward Salcedo and the reappointed Planning Commissioners Sam Clark and Jim Fitzpatrick.

II. ROLL CALL:

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

Absent: None.

III. ELECTION OF OFFICERS AND APPOINTMENTS:

(a) Election of Chair

The Vice Chair opened the nominations for Chair. Commissioner Fitzpatrick nominated Colin McCarthy and Vice Chair Sam Clark nominated himself.

**MOTION: Close the nominations of Colin McCarthy and Sam Clark for Chair.
Moved by Commissioner Colin McCarthy, seconded by Commissioner Robert Dickson.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Vice Chair proceeded to call for the vote for Colin McCarthy as Chair.

The motion carried by the following roll call vote:

Ayes: Commissioner Robert Dickson, Commissioner Jim Fitzpatrick,
Commissioner Colin McCarthy, and Commissioner Edward Salcedo

Noes: Vice Chair Sam Clark

Absent: None.

After the vote, Chair McCarthy changed seats with Vice Chair Clark.

(b) Election of Vice Chair

The Chair opened the nominations for Vice Chair. Commissioner Dickson nominated Sam Clark and Chair McCarthy nominated Jim Fitzpatrick.

MOTION: Close the nominations of Sam Clark and Jim Fitzpatrick for Vice Chair.

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, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

The Chair proceeded to call for the vote for Sam Clark as Vice Chair.

The motion carried by the following roll call vote:

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

Noes: Chair Colin McCarthy and Commissioner Jim Fitzpatrick

Absent: None.

(c) Appointment to Traffic Impact Fee Committee

(d) Appointment to 3R Committee

(e) Appointment to City/NMUSD Liaison Committee

(f) Appointment to Homeless Task Force

The Chair noted his determinations for the appointments to the various committees. Commissioner Fitzpatrick would be appointed to the Traffic Impact Fee Committee, Commissioner Robert Dickson would be appointed to the 3R Committee, and he would appoint himself to the City/NMUSD Liaison Committee. Vice Chair Clark mentioned that he previously served on the City/NMUSD Liaison Committee and would volunteer to serve again. The Chair agreed. Commissioner Salcedo volunteered to be one of the two appointees to the Homeless Task Force and Chair McCarthy appointed himself as well. The Chair repeated the appointments and no motion was made.

IV. PUBLIC COMMENTS:

None.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

During Planning Commissioner comments and suggestions, Chair McCarthy requested that an item on Lions Park be agendaized for the next Planning Commission meeting for discussion and any recommendations to Council.

VI. CONSENT CALENDAR:

Prior to moving on the consent calendar items, the Chair requested that Consent Calendar Item No. 3 be pulled for discussion and Commissioner Fitzpatrick requested that Item No. 4 be pulled as well.

1. Minutes for the meeting of January 10, 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, 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 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.

3. 2010 Annual Review of City of Costa Mesa's General Plan

Commissioner Fitzpatrick questioned the timing of this annual review and noted overlay concerns.

The Chair requested that annual review reports be agendized in a timely manner before due date for discussion prior to the meeting requiring their vote.

There was no public comment.

MOTION: Receive and file.

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: Commissioner Jim Fitzpatrick

Absent: None.

4. 2009 Development Phasing and Performance Monitoring Program

Commissioner Fitzpatrick also expressed his desire for this annual report to be agendized as a discussion item one meeting prior to the Commission's vote.

Transportation Services Manager Raja Sethuraman explained the timeline/process for the annual report, Measure "M" requirements, and noted an earlier timeline for the report could be established.

There was no public comment.

MOTION: Approve report.

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, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS:

1. **Application No.: DA-00-04**
**Site Address: Bristol St./Anton Bl./Park
Center Drive**
Applicant: Karen Graham
Zone: TC
**Project Planner: Minoo Ashabi
Environmental**
Determination: Exempt

Description:

Two-year review of Development Agreement DA-00-04 for Pacific Arts Plaza (formerly Two Town Center) master plan that included an 18-story high-rise (400,000 sq. ft.) and a five-level parking structure (770 new spaces); demolition of the South Coast Cinema Building (12,000 sq. ft. - already demolished) and two-level parking structure, and new development of one high-rise tower with 180 residential units at the southeast corner of Anton Boulevard and Park Center Drive with demolition of the existing 5-story, 67,450 square-foot bank building.

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

Deputy City Attorney Tom Duarte pointed out that Commissioner Dickson's employer represents The Irvine Company (the property owner).

Commissioner Fitzpatrick asked to consult with Deputy City Attorney Duarte. The Chair called a recess at 6:37 p.m. and resumed the meeting at 6:39 p.m. followed by Commissioner Fitzpatrick recusing himself from the public hearing due to a financial interest with The Irvine Company. Commissioner Fitzpatrick left the Council Chambers.

Karen Graham, applicant and Director at Pacific Arts Plaza, noted there were no plans for development at this time and requested to renew this agreement for another two years.

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

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

MOTION: Based on the evidence in the record, determine and find that The Irvine Company has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-04.

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, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

Recuse: Commissioner Robert Dickson and Commissioner Jim Fitzpatrick

The Chair explained the appeal process.

- 2. Application No.: PA-07-30**
Site Address: 300 E. 23rd Street
Applicant: Mike Czajkowski
Zone: R2-MD
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Time extension for a minor design review of a proposed residential condominium interest development, consisting of two, two-story detached single-family residences with minor modifications to encroach 1.5 ft. into the required 10 ft. street side setback and 1 ft. into the required 10 ft. building separation area for architectural projections.

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

Mike Czajkowski, applicant, stated that due to economic conditions to pursue construction, he was requesting a time extension. However, he said that he has submitted construction plans and expects to start construction soon.

Henry Weber, nearby resident, noted that he was representing Ray Davies and handed some fact sheets for distribution to the Commission. Mr. Weber expressed concerns regarding parking, setback, and the plans' compliance with the Building Code.

Mr. Czajkowski reiterated that the plans will be in compliance and further plan-checked.

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

MOTION: Approve an extension of time for Planning Application PA-07-30 to January 11, 2012, by adoption of Planning Commission Resolution PC-11-03, based on the evidence in the record.

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

During discussion on the motion, Commissioner Fitzpatrick encouraged Code Enforcement to monitor this project site for parking compliance.

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.

- 3. Application No.: PA-09-11**
Site Address: 3003 Newport Blvd.
Applicant: Ian Marr
Zone: C1
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Time extension for a conditional use permit to convert existing auto service bays to a convenience store with concurrent sales of beer and wine and to construct a car wash tunnel and new fuel canopies (to replace existing) at an existing gasoline service station, in conjunction with variances, administrative adjustments, and a minor modification to deviate from setback requirements.

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

Ian Marr, applicant, and Ben Bakhtar, property owner, requested extra time for the building permit, resulting in the time extension request for the planning application. Mr. Marr stated that the engineering plans are currently being prepared and permits will be pulled followed by financing.

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

MOTION: Approve an extension of time for Planning Application PA-09-11 to January 11, 2012, by adoption of Planning Commission Resolution PC-11-04, based on the evidence in the record.

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.

The Chair explained the appeal process.

- 4. Application No.: ZA-02-55 A1**
Site Address: 1870 Harbor Blvd., #A200
Applicant: Peter Buffa
Zone: PDC
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

Revisions to Minor Conditional Use Permit ZA-02-55 for Sutra Lounge, including the following: (1) change from a Type 47 ABC license (on-sale general, eating place) to a Type 48 ABC license (on-sale general, public premise); (2) remove conditions of approval requiring the establishment to provide food service; and (3) revise the floor plan to demolish the existing kitchen and expand the seating area for the nightclub.

Police Officer Julian Trevino commented on random checks at the establishment; responding to noise complaints; and past Police calls/incidents. He noted more security should be necessary if there are additional patrons.

Regarding ex parte communications, all the Commissioners said they spoke with the applicant.

Peter Buffa, applicant, introduced Richard Kelly (owner of Sutra Lounge) and Dave Griffith (general manager of Sutra Lounge) and gave a detailed presentation which included a slide presentation. He explained the proposed improvements to operations and addressed noise concerns.

Mr. Griffith said they have always reacted quickly to noise complaints and explained security procedures.

Mr. Kelly stated there will be no increase in patrons and commented on the proposed area to be used for storage, dry goods, and equipment.

Mary Godwin, nearby resident, expressed concern regarding the low-level noise vibrations from the establishment causing her family sleeplessness. She also expressed concern as to why a Police Officer could not enforce the noise ordinance.

Beth Refakes, Costa Mesa, expressed concern regarding the increased occupancy at the establishment causing more alcohol-related problems. She said the parking and noise concerns would in turn increase and she suggested adding a condition of approval limiting occupancy to the current level. In addition, Ms. Refakes suggested that since there is no traffic management plan, this item should be continued until after the plan is provided.

Tim Godwin, nearby resident, noted there is no enforcement relating to the noise coming from Sutra Lounge. He stated his residence is 1,400 feet from the establishment and reiterated that noise enforcement is necessary.

Mr. Kelly returned to the podium and pointed out that 1,100 parking spaces is more than adequate parking; parking meters may be installed for Triangle Square customers; and the appearance of the property has been improved which will increase property values. Mr. Kelly commented that they will do everything they can in response to future noise complaints.

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

MOTION: Approve Zoning Application ZA-02-55 A1, by adoption of Planning Commission Resolution PC-11-05, 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.

Vice Chair Clark stated he would not support the motion solely based on the noise issue. He said the noise vibrations are not being dealt with and that noise is moving off the property. He asked the Godwins to contact him and mentioned to Mr. Griffith that this noise issue needs to be rectified.

Vice Chair Clark requested staff to return to the Commission with the information as to how the City handles noise monitoring at night. In addition, Vice Chair Clark asked staff to incorporate Police Department and Fire Department recommendations in the conditions of approval.

The motion carried by the following roll call vote:

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

Noes: Vice Chair Sam Clark

Absent: None.

The Chair explained the appeal process.

Mr. Duarte responded to Commissioner Fitzpatrick's question relating to the traffic management plan that the Commission could direct staff to require the applicant to submit the plan. Mr. Nguyen acknowledged the request.

VIII. BUSINESS ITEM:

1. Arterial Wall Standards

City Engineer Ernesto Munoz presented a report highlighting the current standards for arterial/tract walls which are private walls abutting arterial streets in the City. He noted that the walls are conditioned, plan-checked, and approved by the Building Division and the Development Services Department. He also referred to the Streetscape and Median Development Standards.

Mr. Munoz commented on the masonry wall height changes, as per City Council direction to staff. Planning Commission Secretary Khanh Nguyen explained that an ordinance will be going before the City Council on March 1 to amend Title 5 requiring building permits for all fenced walls (masonry/concrete) greater than 3 feet in height. Mr. Nguyen also explained the permit issuance process for masonry walls including the Planning Division checking for compliance with zoning regulations and City standards; the enforcement process; and matching block wall work by asking the applicant to provide photos showing their neighbors' wall composition.

The Chair pointed out that public education and enforcement is needed to have masonry wall uniformity.

No motion was made.

IX. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT:

Mr. Nguyen commented that in addition to the next Planning Commission meeting on March 14, there is a Planning Commission Study Session on March 21 relating to the Urban Plan Mixed Use (overlay zoning) and the Development Review Process; plus a Joint Study Session on March 29 of the City Council, the Planning Commission, and the Parks and Recreation Commission regarding the Banning Ranch Project and associated Draft Environmental Impact Report (EIR).

The Chair noted for the record that he requests a broad spectrum of attendees for the Study Session of March 21.

1. 2010 Planning Commission Design Awards and Mesa Green Design Awards Selection

The Chair confirmed with Mr. Nguyen and Senior Planner Mel Lee that the Commissioners review the projects from 2010 and come back to their next meeting with their nominations of projects that merit recognition.

X. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

XI. AJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, MARCH 14, 2011.

There being no further business, Chairman McCarthy adjourned the meeting at 8:33 p.m. to the next Planning Commission meeting on March 14, 2011, at 6:00 p.m.

Submitted by: _____
KHANH NGUYEN, SECRETARY
COSTA MESA PLANNING COMMISSION