

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
May 9, 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.

a. SPECIAL PRESENTATION TO KIMBERLY BRANDT (DEVELOPMENT SERVICES DIRECTOR)

The Chair made a presentation of a Crown Achievement Award to Kimberly Brandt for her 23 years of public service to the City. Ms. Brandt spoke in acceptance of the award.

II. PUBLIC COMMENTS:

Tim Lewis, Costa Mesa, complimented Commissioner Fitzpatrick for meeting with him today.

John Finney, Costa Mesa, noted there are too many regulations placed on businesses and expressed concern regarding the new sign regulations.

Sara Condon and Megan Savisar, students from Newport Harbor High School’s Surf and Environmental class, and Scott Morlan, their teacher, asked the City to adopt a City ordinance banning Styrofoam.

III. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

During Planning Commissioner Comments and Suggestions, with regard to the Styrofoam ordinance, Commissioner Fitzpatrick confirmed that he would meet with Earth Research Foundation and City staff to bring the necessary research to the Planning Commission at their meeting in June or July.

IV. CONSENT CALENDAR:

Prior to moving on the Consent Calendar, Commissioner Fitzpatrick 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 April 11, 2011.

MOTION: Approve.

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.

2. Code Enforcement Update

MOTION: Receive and file.

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.

3. 2000 General Plan Conformity Resolution, a resolution of the Planning Commission finding the proposed City of Costa Mesa 2011-12 Capital Improvement Program in conformance with the 2000 General Plan.

Commissioner Fitzpatrick requested an overview of the proposed projects for the City's 2011-12 Capital Improvement Program (CIP) and Acting City Engineer Baltazar Mejia and Transportation Services Manager Raja Sethuraman provided information to the Commission and answered questions.

In response to the Chair's request for a copy of the 7-year CIP, Mr. Sethuraman replied that he would provide copies to the Commission.

Commissioner Salcedo suggested that the 7-year CIP be included as a future Study Session item and the other Commissioners agreed.

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

MOTION: Adopt Planning Commission Resolution PC-11-17 finding the proposed 2011-12 Capital Improvement Program in conformance with the City of Costa Mesa's 2000 General Plan.

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.

V. PUBLIC HEARINGS:

- 1. Application No.: PA-11-01**
Site Address: 2059 Harbor Blvd.
Applicant: Steve Tangney/West Coast Self-Storage Grp.
Zone: C2
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Conditional use permit to construct a 32,867 s.f. mini-warehouse facility with a variance from maximum building height requirement for one of two storage buildings (maximum 2 stories/30 feet permitted; 3 stories/33 feet proposed for the elevator). The proposed development also includes a separate retail building along the Harbor Boulevard frontage.

During the Commission's questions of staff discussion, Commissioner Fitzpatrick requested that Code Enforcement staff follow-up on the property at Harbor Boulevard/Hamilton Street that was "tagged" again and a vacant, green-fenced property north on Harbor Boulevard with a flapping fence.

Regarding ex parte communications, Commissioners Fitzpatrick and Salcedo said they had spoken with the applicant.

Steve Tangney, applicant, agreed to all the conditions of approval and to an additional condition relating to the hours of operation. He reviewed the proposed project and stated that he had spoken to the neighboring businesses.

Tim Lewis, former business owner on Charle Street, expressed concern relating to resident safety, parking, and traffic, and encouraged the use of landscaping.

Mr. Tangney returned to the podium and noted Code Requirement Nos. 27-29 that relate to driveways.

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

MOTION: Approve Planning Application PA-11-01, by adoption of Planning Commission Resolution PC-11-18, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", and the addition of new condition Nos. 22 and 23, adopted as follows:

CONDITIONS OF APPROVAL

- 22. The leasing office/retail hours for the storage facility shall be 9:00 a.m. to 5:00 p.m., Monday through Saturday. The customers shall have access to the storage units via the key pad operated entry gate from 7:00 a.m. to 8:00 p.m. daily.**
- 23. Prior to issuance of building permits, applicant shall submit a photometric plan for review and approval by the Planning Division. The plan shall indicate that light/glare for proposed lighting shall be a maximum of 0.5 footcandle at the residential properties along Charle Street. The light intensity is measured on the residential property, beginning at the residential property line.**

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

During discussion on the motion, the Commissioners, Assistant Planning Commission Secretary Claire Flynn, and staff discussed lighting issues (footcandles) at the residential property line on Charle Street.

The Chair re-opened the public hearing and Mr. Tangney agreed to an additional condition (No. 23) relating to light intensity.

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

Vice Chair Clark amended the motion adding Condition No. 23 and the seconder of the motion, Commissioner Salcedo, concurred.

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.

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:

Minor conditional use permit for a new sit-down restaurant/market (Greenleaf) proposing the following: 1) deviate from shared parking requirements; 2) valet parking; 3) to include greater than 10% compact parking spaces; and 4) 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, Vice Chair Clark, Commissioner Fitzpatrick, and Commissioner Salcedo said they had spoken with the applicant.

Bryon Ward, President of Burnham-Ward Properties, Partner with Burnham-Ward Equities USA, and property owner, agreed to all the conditions of approval including the Revised Exhibit "B" conditions in the supplemental memo dated May 5, 2011. He asked that the valet parking condition be removed if additional studies prove the service is not necessary.

Steve Jones, SF Jones Architects, noted the interior seating provides 90 seats.

Mr. Ward spoke on way-finding signage, parking, and parking control.

Ryan Calad, Austin-Foust Associates, explained in detail the results of the parking study and the calculations used.

Curt Herberts, adjacent property owner, spoke in opposition of the project and requested that the Commission deny the application.

John Hill, architect, expressed concerns relating to infrastructure and parking and questioned the layout from office use to restaurant use.

Tony Petros, traffic consultant, questioned the parking study findings and calculations.

Matthew Fogt, attorney, stated that the project site already exceeds the parking demand and believed that there were errors in the parking study. He also stated for the record that the proposed restaurant requires CEQA analysis.

Beth Refakes, Costa Mesa, expressed concern regarding the inadequate parking and noise and opposed valet parking.

Robert Abbott, Citigroup, suggested revisiting this project site in six (6) months, if approved, and mentioned that additional signage and valet parking was necessary.

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

Mr. Ward, Mr. Jones, and Mr. Calad continued to answer questions from the Commission relating to the parking study and the valet parking plan. Ms. Flynn and Deputy City Attorney Christian Bettenhausen confirmed with Commissioner Fitzpatrick that the restaurant use and conditions of approval will be subject to periodic review.

The Chair closed the public hearing.

The Commissioners agreed that more time was necessary to review the parking study and the concerns of the adjacent property owners. Ms. Flynn and Mr. Bettenhausen confirmed this item could be continued to the next meeting in June without re-noticing.

**MOTION: Continue to the Planning Commission meeting of June 13, 2011.
Moved by Chair Colin McCarthy, seconded by Vice Chair Sam Clark.**

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.

VI. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

Commissioner Fitzpatrick made a request concerning the upcoming Study Session relating to granny units and accessory units and Zoning Application ZA-03-94 (440 E. 19th Street).

VIII. ADJOURNMENT:

There being no further business, Chairman McCarthy adjourned the meeting at 9:27 p.m. to the following:

- * **PLANNING COMMISSION STUDY SESSION ON MAY 23, 2011 AT 5:30 P.M**
- * **NEXT PLANNING COMMISSION MEETING ON JUNE 13, 2011 AT 6:00 P.M.**

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