

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
July 11, 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.

II. 2011 PLANNING COMMISSION DESIGN AWARD PRESENTATIONS FOR:

* Vons Center Remodel - E. 17th Street:

- 1) Vons, A Safeway Company, 618 Michillinda Avenue, Arcadia, CA 91007
- 2) Little Diversified Architectural Consulting, 1901 Newport Bl., #300, Costa Mesa, CA 92626
- 3) Property Development Centers, 4410 Rosewood Drive, Pleasanton, CA 94588

The Chair made the 2011 Planning Commission Design Award presentations for the Vons Center Remodel project. Award certificates were presented and acceptance speeches were made.

III. PUBLIC COMMENTS:

There were no public comments.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

During Planning Commissioner comments, City Engineer Ernesto Munoz invited the Commissioners to attend the Groundbreaking Ceremony of Phase II of the Fairview Park Wetlands & Riparian Habitat Project this Thursday, July 14, at 3:30 p.m.

V. CONSENT CALENDAR:

Prior to moving on the Consent Calendar, the Chair noted that a request was made to pull Consent Calendar Item No. 4 for discussion. The audience requested that Consent Calendar Item No. 3 be pulled for discussion as well.

The Chair asked for a motion on the remainder of the Consent Calendar.

1. Minutes for the meeting of June 13, 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. New Pilot Neighborhood Area for the Residential Neighborhood Enhancement Program

Chief of Code Enforcement Willa Bouwens-Killeen explained how the new Pilot Neighborhood Area was selected and responded to questions from the Commission.

Jay Humphrey, Costa Mesa, noted this item should have been agendized as a public hearing item for transparency purposes. He expressed agreement with using community resources, such as church groups, to assist residents unable to maintain/repair their properties.

Sandra Genis, Costa Mesa, inquired as to the criteria for selecting the neighborhood for the enhancement program and suggested that criteria be developed.

MOTION: Direct staff to receive input from owners/residents and initiate the residential Neighborhood Enhancement Program for this new neighborhood.

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

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.

4. Enforcement of Portable and Political Campaign Signs

Ms. Bouwens-Killeen presented the staff report and responded to questions from the Commission.

Sandra Genis, Costa Mesa, commented on free speech and stolen signs, and suggested that the City tread lightly relating to the subject of political signs.

Jay Humphrey, Costa Mesa, stated this item should be on the general calendar/open calendar.

Don Drozd with OCEA representing CMCEA noted that every step was being taken to be in compliance with the Code, and said they would be happy to come out and pick up their signs.

Commissioner Fitzpatrick asked staff to revisit this item before the next campaign cycle.

The Chair and Commissioner Dickson asked staff to work together with OCEA to rectify the current sign situation.

MOTION: Receive and file.

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 Robert Dickson,
Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

VI. PUBLIC HEARINGS:

- 1. Application No.: CO-10-06**
Site Address: Citywide
Applicant: City of Costa Mesa
Environmental
Determination: Exempt

Description:

An Ordinance of the City Council of Costa Mesa, California adopting Zoning Code Amendment CO-10-06, amending Title 13, Article 2 Definitions, and

Chapters III, IV, V, VI, and XII of the Costa Mesa Municipal Code relating to residential second units, granny units, and accessory apartments.

Planning Commission Secretary Claire Flynn reviewed the staff report for the Zoning Code Amendment and responded to questions from the Commission.

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

In response to the Chair's question if a land use restriction on a property is ever prosecuted, Deputy City Attorney Christian Bettenhausen replied that the local agency can seek to enforce the land use restriction because it is a State statute.

Commissioner Dickson asked staff to put back in place a mechanism for a land use restriction.

Commissioner Fitzpatrick asked staff to report back to him on the granny units constructed to date.

Deputy City Attorney Bettenhausen noted that the age restriction has been left out; the reference to granny units has been eliminated; and the City has to respond to the State mandate.

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

In response to Vice Chair Clark's suggestion of annual self reporting on owner occupied land-use restrictions, Ms. Flynn said staff will follow-up on this suggestion.

MOTION: Recommend that City Council give first reading to the ordinance with modifications to Section 13-35, as follows:

Add the verbiage pertaining to a land use restriction for owner occupancy of primary unit in bullet point (a).

Remove the reference to "one-story" in bullet point (i).

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.

- 2. Application No.: PA-07-37
Site Address: 178 & 180 E. 19th Street
Applicant: Melia Homes
Zone: R2-MD**

**Project Planner: Mel Lee
Environmental
Determination: Exempt**

Description:

Time extension request for a Design Review to construct a four-unit, two-story, residential common interest development. The time extension is proposed to coincide with the expiration of Parcel Map PM-08-122 on July 28, 2013.

Chad Brown representing Melia Homes said he had no time to get a grading permit due to just starting this venture with the property owner last month. He gave a presentation and said he was looking forward to proceeding with the project. In response to the public comment letter referencing the proposed units would block sunset views, he replied there is a considerable distance between the two properties.

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

MOTION: Approve an extension of time to July 28, 2013 for Planning Application PA-07-37, by adoption of Planning Commission Resolution PC-11-26, based on the evidence in the record. 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.

The Chair explained the appeal process.

**3. Application No.: PA-08-06
Site Address: 320 E. 18th Street
Applicant: Phillip Schwartze
Zone: R2-MD
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt**

Description:

Third extension of time for a two unit, two story, common interest development including: a) Variance from rear yard lot coverage (25% required; 30% proposed); b) Administrative Adjustment for 2nd story rear setback (20 ft. required; 12 ft proposed); and c) Minor Modification to allow an 8-foot high perimeter wall (maximum 6" height allowed).

Phillip Schwartze, applicant representing Newport Strategies, explained that the reason for the time extension is purely financial and he expects to start construction by the end of the year.

Beth Refakes, Costa Mesa, commented that she hopes the project will move forward and was glad the landscape concerns were addressed. She also said she is looking forward to the demolition of the existing structure to alleviate concerns about property dwellers.

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

MOTION: Approve a third extension of time for the time period until May 20, 2012 for Planning Application PA-08-06, by adoption of Planning Commission Resolution PC-11-27.

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 explained the appeal process.

- 4. Application No.: ZA-11-13**
Site Address: 290 Bristol Street
Applicant: Mike Snyder/Ware
Malcomb
Zone: C1
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Minor conditional use permit to construct a restaurant with drive-through operations (McDonald's) in place of a former Denny's restaurant.

The Chair and Commissioner Fitzpatrick asked staff to work with the applicant in improving the market window with landscaping.

Commissioner Dickson asked staff to provide conceptual landscaping in future street elevation plans.

Jeff Alamar with Ware Malcomb said he had read the staff report and agreed to all the conditions of approval. He gave a presentation highlighting on the project entrance; queuing; the building design; landscaping; and meeting the Gold standard.

Pose Seke, Senior Developer with McDonalds, spoke on vehicle queuing.

Bob McBill, store owner, explained the drive-through process.

Mr. Alamar explained in detail concerning the landscaping plan for the proposed project site, including trees, shrubs, drought-tolerant plants, and minimizing grass products. In addition, he replied to the Chair that they would be utilizing the existing trash enclosure.

Beth Refakes, Costa Mesa, expressed safety concerns regarding drivers making left turns on Bristol Street coming off the freeway.

Commissioner Fitzpatrick asked staff to work with the applicant on improving the market windows from Red Hill Avenue and from Bristol Street.

The Chair, Vice Chair Clark, and Commissioner Dickson asked that conceptual street elevations include landscaping to improve market windows. The Chair also noted that for these types of proposed projects, more detail is needed for the landscaping component in addition to providing a queuing analysis.

Commissioner Fitzpatrick pointed out to staff that it would be helpful for the applicant to provide data regarding the jobs created by the proposed project and the expected tax revenue to the City.

MOTION: Approve Zoning Application ZA-11-13, by adoption of Planning Commission Resolution PC-11-28, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Vice Chair Sam Clark, seconded by Commissioner Edward Salcedo.

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.

- 5. Application No.: ZE-76-109 & ZE-99-70
Site Address: 2070 Maple Avenue
Applicant: City of Costa Mesa
Zone: R2-HD
Project Planner: Mel Lee
Environmental**

Determination: Exempt

Description:

Revocation of minor conditional use permits ZE-76-109 for a K through 3rd primary school for 46 children, and ZE-99-70 for the operation of a preschool/day care center for 24 children, due to non-operation.

In response to Commissioner Salcedo's question relating to Exhibit "B", Senior Planner Mel Lee confirmed there is no Exhibit "B" (Conditions of Approval), just Exhibit "A" (Findings).

The Chair noted there was no objection to the revocation recommendation.

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

MOTION: Revoke Zone Exception Permits ZE-76-109 and ZE-99-70, by adoption of Planning Commission Resolution PC-11-29, based on the evidence in the record and the findings contained in Exhibit "A". Moved by Commissioner Robert Dickson, 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.

The Chair explained the appeal process.

VII. BUSINESS ITEM:

1. Development Process Streamlining

RECOMMENDATION:

Receive and file.

Ms. Flynn reviewed the staff report.

Commissioner Fitzpatrick encouraged staff to facilitate electronic submittal of planning applications and payment on-line.

MOTION: Receive and file the action plan for streamlining the Planning process. 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 Robert Dickson,

Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

X. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON AUGUST 8, 2011.

There being no further business, Chairman McCarthy adjourned the meeting at 9:25 p.m. to the next Planning Commission meeting of August 8, 2011 at 6:00 p.m.

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