

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
November 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.costamesaca.gov 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. PUBLIC COMMENTS:

There were no public comments.

III. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Dickson spoke about the Westside Neighborhood meeting. There was a good turnout with questions regarding Code Enforcement. The general belief was that more outreach is required. He also mentioned the annual golf tournament event occurring on January 16, 2012. If you are interested in participating you can go to their web site costamesaunited.com.

Commissioner Fitzpatrick mentioned that he was happy when Commissioner Dickson was appointed to the Commission and believes that he is a good fit. He also congratulated Commissioner Dickson and his wife who are expecting a child.

Commissioner Salcedo commended the efforts of those involved on the City wide street improvement program. He believes that our streets are our greatest asset and he especially wanted to commend the City Engineer for his efforts on a great project.

Chair McCarthy spoke on the Homeless Task Force which was going to the City Council on November 15, 2011. He recommended that anyone who has been following the progress should watch the meeting. He also thanked the Commissioners for volunteering for the half day of labor at the Costa Mesa High School Foundation fund-raising dinner.

IV. Consent Calendar:

There was a request that Consent Calendar Item number 2 – Code Enforcement Update be pulled.

1. Minutes for the meeting of October 10, 2011.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick and Salcedo

Noes: None

Absent: None

2. Code Enforcement Update

Commissioner Clark asked Chief of Code Enforcement Willa Bouwens-Killeen to update them concerning an ongoing maintenance issue at 3013 Royal Palm Drive. An elderly woman lives there who is physically unable to maintain the property. Ms. Bouwens-Killeen mentioned that they found a Church group that voluntarily cleaned up the property. Though the property is acceptable now, there is a concern about the future of maintaining it. Ms. Bouwens-Killeen said that Code Enforcement will continue to monitor the property.

Vice Chair Clark asked about the success of issuing fix-it-tickets. Ms. Bouwens-Killeen responded that they were having success and in the long run may be saving time for the Code Enforcement Officers.

Commissioner Fitzpatrick asked when they can expect an update on the second pilot program for neighborhood clean-up. Ms. Bouwens-Killeen responded that she was hoping to have an update at the December 12, 2011 meeting.

V. PUBLIC HEARINGS:

1. Application No.: DA-00-01 (DA-11-03)

Site Address: Home Ranch Dev.

Applicant: Justin McCusker

Zone: PDC

Project Planner: Mino Ashabi

Environmental

Determination: Exempt

Description:

Annual review of Development Agreement DA-00-01 for Home Ranch Development located north of the Interstate I-405, east of Harbor Boulevard, and south of Sunflower Avenue. The Home Ranch development project was approved in November 2001, and presently contains IKEA, Emulex, and the Providence Park residential development (143 units).

Commissioner Dickson recused himself due to possible conflict of interest.

PUBLIC COMMENTS:

Justin McCusker, applicant, was present and available to answer any questions.

No one else wished to speak and the Chair closed the Public Hearing.

MOTION: Approve annual review of Development Agreement DA-00-01 for Home Ranch Development based on the evidence in the record that Segerstroms and Sons has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-01, and delegated all future reviews to Development Service Director until construction commences on the Home Ranch site.

Moved by Vice Chair Clark, seconded by Chair McCarthy.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Fitzpatrick and Salcedo

Noes: None.

Absent: None

Recused: Dickson

2.

Application No.: DA-00-02 (DA-11-04)

Site Address: 3300 Bristol Street

Applicant: Justin McCusker

Zone: TC

Project Planner: Mino Ashabi

Environmental

Determination: Exempt

Description:

Annual review of Development Agreement DA-00-02. The agreement was executed in 2000 and amended on September 15, 2003 with South Coast Plaza Town Center Preliminary Master Plan (PA-03-16) that allowed development of a 200-room hotel at the northeast corner of Bristol Street and Town Center Drive; one 21-story, 336,025 square-foot office building at the southeast corner of Bristol Street and Sunflower Avenue; and demolition of the two cinemas.

Commissioner Dickson recused himself due to possible conflict of interest.

PUBLIC COMMENTS:

Justin McCusker, applicant, was present and available to answer any questions.

No one else wished to speak and the Chair closed the Public Hearing.

MOTION: Approve annual review of Development Agreement DA-00-02 based on the evidence in the record, that South Coast Plaza has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-02.

Moved by Commissioner Salcedo, seconded by Chair McCarthy

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Fitzpatrick and Salcedo

Noes: None.

Absent: None.

Recused: Dickson

- 3. Application No.:** PA-11-14; PM-11-120
Site Address: 2201 & 2203
Santa Ana Ave.
Applicant: David Hendryx –
SCEL Properties
Zone: R1
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt

Description:

The proposed project involves: 1) A tentative parcel map to subdivide a 0.325-acre parcel into two parcels (7,425 SF and 6,750 SF) including a variance from the minimum lot width requirements (60 feet required, 50 and 55 feet proposed); 2) New single family residence at 2201 Santa Ana Avenue including a variance from minimum rear setbacks for second floor (20 feet required, 10 feet proposed), a minor modification from front setback (20 feet required, 16 feet proposed) and side yard setback (5 feet required, 4 feet proposed), and deviation from the city's residential design guideline for 2nd to 1st floor ratio related to second dwelling unit (80% maximum recommended; 100% proposed); 3) New single family residence at 2203 Santa Ana Avenue with deviation from the city's residential design guideline for 2nd to 1st floor ratio (80% maximum recommended; 100% proposed) and second floor side setback (10 feet recommended, 5 feet proposed).

Senior Planner Minoo Ashabi stated that the applicant requested this item to be continued to the Planning Commission meeting of December 12, 2011.

PUBLIC COMMENTS:

Thomas Probert , residing at 2215 Santa Ana Avenue, spoke of his concerns about two story homes being built next to single story homes. He felt that this would impact the privacy of the neighbors and suggested that they be built on the other side where there are already two story homes.

No one else wished to speak and the Chair closed the Public Hearing.

Vice Chair Clark requested that staff follow-up on grading permits and whether they are in compliance with wet down requirements and respond to Mr. Probert.

MOTION: Move Application PA-11-14 to Planning Commission meeting of December 12, 2011.

Moved by Vice Chair Clark, seconded by Commissioner Dickson

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick and Salcedo

Noes: None.

Absent: None.

- 4. Application No.:** ZA-11-37
Site Address: Pacific Arts Plaza
(3200 Bristol St.;
3200 & 3210 Park
Center Dr.; 601, 611,
633, 655, & 675
Anton Blvd.)
Applicant: David Baab
Zone: TC (Town Center)
Project Planner: Wendy Shih
**Environmental
Determination:** Exempt
Description:

Planned signing program for Pacific Arts Plaza to replace existing sign programs for the site, including a 35 ft. high/508 sq. ft. freeway sign on the northwest corner of Avenue of the Arts and 405 Freeway off-ramp (max. 32 ft. high/230 sq. ft. allowed per Code). All other requested building wall signage, pedestrian and auto-oriented signage shall be identified in the overall Planned signing program.

Commissioner Dickson recused himself due to possible conflict of interest.

PUBLIC COMMENTS:

David Babb, applicant, Jet McCormack, & David Morgan, Irvine Company agreed to conditions and asked for questions.

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

MOTION: Approve Planning Application ZA-11-37, by adoption of Planning Commission Resolution PC-11-52, based on the evidence in the record and the findings contained in Exhibit “A”, subject to conditions in Exhibit “B”

Chair McCarthy, Vice Chair Clark & Commissioner Fitzpatrick clarified that the applicant was requesting the consolidation of two 25 ft. signs and placing one 35 ft. high sign along the freeway off-ramp. This would provide consistency of signage across the entire project.

Moved by Vice Chair Clark, seconded by Commissioner Salcedo.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Fitzpatrick, and Salcedo

Noes: None.

Absent: None

Recused: Dickson

5. **Application No.:** DR-99-22-A2
Site Address: 3030 A Harbor Blvd.
Applicant: Pacific Land Services.
Zone: C1
Project Planner: Mel Lee
**Environmental
Determination:** Exempt

Description:

Amend the condition of approval for Target Costa Mesa’s Winter Holiday hours as follows: 12 midnight to 11 p.m. the day after Thanksgiving; and 7 a.m. to 12 a.m. thereafter until New Year’s day. Current approved holiday hours are 7 a.m. to 11 p.m. Mon. – Fri., and 8 a.m. to 11 p.m. Saturday and Sunday from the day after Thanksgiving to New Year’s day.

Commissioners shared their concerns over the barricades proposed to be in the parking lot to prevent driving in and out of the entrance to College Avenue and parking spaces for the number of people that will be shopping there.

The Commissioners also discussed possible noise issues in the parking lot during early morning and late evening hours and enough security to manage these issues.

Chair McCarthy noted the metal guard height pole that was at the entrance of the parking lot to keep large commercial vehicles from entering and exiting at College Avenue was removed by the property owner. Senior Planner Mel Lee responded that it is a requirement of the property owner to adhere to the condition and replace the pole.

Chair McCarthy also asked Deputy Attorney Bettenhausen if by approving the additional hours, would they be setting a precedent for other stores that may ask for the same time extensions. Deputy Attorney Bettenhausen responded that each decision would be based on the individual factors of each request.

PUBLIC COMMENTS:

John Warren with Pacific Land Services agreed to conditions and expounded on the benefits of providing residents with the extra operating hours in which to shop. He responded to the Commissioners' questions as to the need for the requested extra hours which would extend until New Year's Day.

Commissioner Fitzpatrick mentioned that Target had already been operating under extended hours that had not been approved by the Planning Commission, even though the store Manager had been there for 10 years and should have been aware of the requirements. Commissioner Fitzpatrick expressed that he agreed that the additional "Black Friday" hours would provide a benefit to the community, but he is disappointed that Target has not made any effort to reach out to the community and work with the residents. He also directed staff to provide notice to the Halecrest Home Owner's Association of future hearings related to Target.

Chair McCarthy stated concerns with the perception in the community that Target has not been a good corporate neighbor and that the community has lost their trust.

Louise Rose, forty year resident of Costa Mesa, has family that lives behind Target. Ms. Rose supports the additional hours. She has worked for other Targets in residential areas and has never experienced issues with holiday extended hours. She believes that the extended hours will provide increased staffing hours for employees and provide additional tax revenue to the city, all of which create an economic benefit to Costa Mesa residents.

Al Morelli, Costa Mesa resident, is opposed to Target's request for extended hours. He is concerned that by extending the hours, the City is rewarding Target for violating the original agreement. He has asked the Planning Commission to deny the request due to Target's noncompliance with conditions of approval.

Beth Refakes, Costa Mesa resident, also opposes granting Target the additional holiday hours. She is concerned about the noise levels and barricades which she feels will have a negative impact on the residents. She believes that Target has not been a good neighbor to the residents as evidenced by their being out of compliance with the original agreement and asks that the Planning Commission deny their request.

Mike Brumbaugh, a resident of the Halecrest Community, indicated that he has no position on Target's request and that decision would need to be decided by Planning Commission. He is concerned that Target did not comply with the original agreement by extending their hours beyond what was originally approved.

MOTION: Approve, based on the evidence in the record and the findings contained in Exhibit "A", DR-99-22 A2 for the requested hours of 12 midnight to 11:00 pm the day after Thanksgiving only, known as "Black Friday", for Target Costa Mesa on an annual basis. The hours of operation of 7:00 am to 11:00 pm Mon-Fri., and 8:00 am to 11:00 pm Sat. and Sun. from the day after Black Friday to New Year's Day as approved under DR-99-22A shall remain unchanged.

Moved by Commissioner Fitzpatrick, seconded by Vice Chair Clark.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, and Salcedo

Noes: None

Absent: None

VII. BUSINESS ITEMS:

1. Commercial Vehicle Parking on Public Streets.

Acting Assistant Director Claire Flynn presented to the Planning Commission the possibility of imposing new parking regulations for smaller and mid-sized commercial vehicles which do not fit the definition for commercial vehicles in Title 10 "Motor Vehicles and Traffic." She noted that if the Commissioners wished to pursue an ordinance or an amendment to Title 10 or Title 20 it would require authorization by City Council.

MOTION: Recommend to City Council the allocation of more than 4 hours of staff time to be utilized for looking into and researching Commercial Vehicle Parking on Public Streets.

Moved by Chair McCarthy, seconded by Vice Chair Clark

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, and Salcedo

Noes: None

Absent: None

2. Illegal Garage Conversion

Acting Assistant Director Claire Flynn presented this item as per the direction of Chair McCarthy.

Chair McCarthy recommended a voluntary compliance program based on the safety of the property.

Commissioner Fitzpatrick expressed concerns with applying the program to single-family residential homes.

MOTION: Recommend to City Council the allocation of more than 4 hours of staff time to be utilized for looking into and researching illegal garage conversion as habitable space and exclusive use of garage for storage, precluding vehicle parking.

Moved by Chair McCarthy, seconded by Vice Chair Clark

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, and Salcedo

Noes: Fitzpatrick

Absent: None

3. Green Design Award Program

Commissioner Fitzpatrick nominated "Fixtures in Living" for this award, seconded by Commissioner Salcedo.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, and Salcedo

Noes: None

Absent: None

VIII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON DECEMBER 12, 2011.

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