

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

September 11, 2006

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., September 11, 2006 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Bill Perkins, followed by the Pledge of Allegiance to the Flag.

**SEPTEMBER 11, 2001
REMEMBRANCE**

The Costa Mesa High School Choir performed the National Anthem that was followed by a moment of silence. Choir member Candice performed a solo supported by images depicting the events of September 11, 2001.

ROLL CALL:

Commissioners Present:

Chairman Bill Perkins

Vice Chair Donn Hall

Eleanor Egan, James Fisler and Bruce Garlich

Also Present: R. Michael Robinson, Secretary

Costa Mesa Planning Commission

Harold Potter, Assistant City Attorney

Fariba Fazeli, Senior City Engineer

Raja Sethuraman, Associate Engineer

Kimberly Brandt, Principal Planner

Claire Flynn, Senior Planner

MINUTES:

The minutes for the meeting of August 14, 2006 were accepted as corrected and the minutes of the meeting of August 28, 2006 were continued to the Planning Commission meeting of September 25, 2006.

PUBLIC COMMENTS:

Roy Reynolds, PRT Strategies, 16129 Chelas Street, Fountain Valley; gave a presentation on Personal Rapid Transit, a new transportation technology that he believes could have a profound and positive effect on the high-density developments the City is dealing with at this time.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

The Commission thanked Mr. Lindfors for providing the talents of the Costa Mesa High School Choir for the City's September 11th remembrance ceremony. They thanked the students who sang, and they also thanked Ms. Flynn for her participation in organizing and presenting this remembrance on behalf of the City. The Chair recalled this date and reminisced about some of the people affected by this unfortunate tragedy.

Judy Edge, Sand Pointe Homes, directly north of the Sakioka property said they have enjoyed the vacant land for many years. She said across the street from the Performing Art Center is a very ugly Orange County Flood Control Channel with a chain link fence that she felt should be removed. She also felt the developers of the new project should give some consideration to beautifying that area.

PUBLIC HEARINGS:

**ONE-YEAR EXTENSION OF
TIME FOR PA-01-03/PA-01-04**

Beacon Bay Enterprises/Shea

The Chair opened the public hearing for consideration of a one-year extension of time for Planning Applications PA-01-03/PA-01-04 for Patrick Shea, authorized agent for Beacon Bay Enterprises, Inc., for a one-year extension of time to allow motor vehicle sales with an administrative adjustment to deviate from front landscape setbacks for auto display; and to allow outdoor storage of motor vehicles on the rear half of the lot, located at 2059 Harbor Boulevard, in a C2 zone. Environmental determination: exempt.

Patrick Shea, authorized agent for Beacon Bay Enterprise, Inc., 1600 Sunflower Avenue, Costa Mesa, stated in response to the Chair regarding a timeline, that 8 months is optimistic. Currently, they are working on their third inspector from the Orange County Health Department. Once remediation is complete, it's typically required that they monitor the site for 4 quarters prior to receiving the no further action letter.

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

MOTION:

PA-01-03/PA-01-04

A motion was made by Commissioner Fisler, seconded by Commissioner Garlich and carried 5-0, to approve a one-year extension

Approved Extension

of time for PA-01-03/PA-01-04 to expire on September 4, 2007, by adoption of Planning Commission Resolution PC-06-63, based on information and analysis 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.

NORTH COSTA MESA HIGH-RISE RESIDENTIAL PROJECTS:

(a) **FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT NO. 1052 (STATE CLEARING HOUSE NO. 2006011077)** for the North Costa Mesa High-Rise Residential projects generally bounded by Sunflower Avenue to the north, Bristol Street to the west, Sakioka Drive to the east, and the I-405 Freeway to the south and totaling 1,269 dwelling units with ancillary retail uses.

(b) **GENERAL PLAN AMENDMENT GP-06-02** to amend the Land Use Element and Noise Element of the Costa Mesa 2000 General Plan to incorporate provisions for high-rise residential development in the project area; and to specify the application of exterior noise standards to certain areas of high-rise residential development. Environmental determination: Final Program EIR No. 1052.

(c) **SPECIFIC PLAN AMENDMENT SP-06-02** to amend the North Costa Mesa Specific Plan to incorporate provisions for a high-rise residential development option in the project area which would increase density and intensity beyond already existing allowances. Environmental determination: Final Program EIR No. 1052.

(d) **ZONING CODE AMENDMENT CO-06-05** to amend Title 13 of the Municipal Code to incorporate provisions for high-rise residential development in the project area including higher residential densities as set forth in the North Costa Mesa Specific Plan. Environmental determination: Final Program EIR No. 1052.

(e) **PRELIMINARY MASTER PLAN PA-05-53** for **SITE 1, SEGERSTROM TOWN CENTER** by South Coast Plaza Partners, for demolition of 84,025 square feet of office buildings; conversion of a maximum of 103,355 square feet of an unbuilt office entitlement for the construction of a maximum of 225 high-rise residential units (resulting in 233,170 square feet of office space), located at 3420 Bristol Street in a TC zone; demolition of 31,500 square feet of theaters and construction of a maximum of 50 additional high-rise residential units atop an unbuilt 200-room hotel entitlement, located at 3400 Bristol Street in a TC zone. Environmental determination: Final Program EIR No. 1052.

(f) **PRELIMINARY MASTER PLAN PA-05-52** for **SITE 2, ORANGE COUNTY MUSEUM OF ART** by the Orange County Performing Arts Center for construction of a maximum of 80 high-rise residential units atop an unbuilt 140,000 square-foot museum building entitlement, located at 605 Town Center Drive in a TC zone. Environmental determination: Final Program EIR No. 1052.

(g) **PRELIMINARY MASTER PLAN PA-05-47** for **SITE 4, SYMPHONY TOWERS** by J. K. Sakioka Company/Stockbridge/South Coast/AMS Craig for demolition of 17,529 square feet of existing restaurants; conversion of an unbuilt 300-room hotel entitlement; and construction of a maximum of 484 high-rise residential units within two 24-story high rises and two 6-story mid-rises; with additional 6,000 square feet of ancillary retail, located at 585 Anton Boulevard in a PDC zone. Environmental determination: Final Program EIR No. 1052.

(h) **PRELIMINARY MASTER PLAN PA-05-50** for **SITE 5, PACIFIC ARTS PLAZA** by Maguire Properties for demolition of a 67,450 square-foot office building and construction of a maximum 180 high-rise residential units, located at 675 Anton Boulevard in a TC zone. Environmental determination: Final Program EIR No. 1052.

Senior Planner Claire Flynn reviewed the information in the staff report and gave a presentation. She said staff was recommending that

SITE 1
South Coast Plaza Partners
Freeman and Wilson

SITE 2
Orange County Performing Arts
Ctr./Morr and Madden

SITE 4
J.K. Sakioka Company/Stockbridge
/South Coast/AMS Craig
Sakioka and Tooley

SITE 5
Maguire Proper./Pacific Arts Plaza
Goodwin and Julian

Planning Commission recommend to City Council: (a) certification of Final Program EIR No. 1052; (b) approval of General Plan Amendment GP-06-02; (c) approval of the North Costa Mesa Specific Plan Amendment SP-06-02; (d) approval of Zoning Code Amendment CO-06-05, each by adoption of Planning Commission resolution; and (e) approval of Preliminary Master Plan PA-05-53 for Site 1, Segerstrom Town Center; (f) approval of Preliminary Master Plan PA-05-52 for Site 2, Orange County Museum of Art; (g) approval of Preliminary Master Plan PA-05-47, Site 4, the Symphony Towers; and, (h) approval of Preliminary Master Plan PA-05-50, for Site 5, the Pacific Arts Plaza, each by adoption of Planning Commission resolution, and subject to conditions.

In response to a question from the Chair regarding why the average daily trips decreases in some cases, Mr. Sethuraman explained that sometimes the number of trips shows a decrease because the project removed some of the uses already on-site, or uses that are entitled. For The Symphony Towers, trips for restaurants were removed, i.e., there are 2 restaurants totaling 17,000 square feet and a 300-room hotel, so the trip generation is higher than what's proposed.

Commissioner Garlich reiterated that the analysis and recommendations for approval are predicated upon the infrastructure being able to support the needs of this development within the anticipated needs of the General Plan. He said he was concluding that the assessment of the traffic meets that criteria, and that even with these increases in average daily trips, as envisioned by the General Plan, it will support additional trips.

Commissioner Egan wanted clarification with reference to Table #1 on page 4 of the staff report. Mr. Sethuraman asked if she was referring to Site 1 specifically, and she confirmed. Mr. Sethuraman explained that the office not being constructed is 103,356 square feet of office—that amount of office generates 154 p.m. peak-hour trips. If you compare that against 275 dwelling units, the p.m. peak-hour trips are 154 so it is balancing out. He said they worked out how much office should be taken out to accommodate 275 units. (If you want 275 dwelling units, you must give up 103,000 square feet of office). This includes the 84,025 demolition of office space.

Commissioner Egan stated that Crystal Court dewatering caused damage to nearby residential areas. She asked what assurances were in place to make sure that dewatering on this site doesn't cause damage beyond this site. In response, Environmental Consultant Shawna Schaffner stated that each specific site will be required to submit a "geotechnical" analysis associated with their final master plan. She said those issues will be identified and analyzed in detail in the site specific geotechnical analyses. She said they did not have that level of detail for this EIR except for Site 3, which will be heard after this project. Commissioner Egan asked if at the final master plan stage, would surrounding areas be addressed regarding dewatering. Ms. Schaffner said there is a mitigation measure in the EIR which addresses preparation of geotechnical reports; it does not specifically identify the need to analyze offsite impacts from dewatering, and asked if staff might want to condition that or research it further. Commissioner Egan asked staff if a condition was needed to address those offsite impacts. Planning Commission Secretary Mike Robinson stated that it can be added as the final master plans come through, including the final master plan for The Californian which is later on the agenda.

Commissioner Egan said there were two impacts identified as not mitigateable to a level of insignificance: air quality, and library services. She felt that these projects and the people who live in them, should contribute their fair share to the provision of library services. She suggested that if the City Council, within the next couple of years, decides to create a program for library impact fees for residential and commercial development, it could also be voted on as the Commission votes on these matters this evening.

Commissioner Egan stated that the recommended residential parking

rate is considerably lower than for condominiums and asked what this rate was based on. Ms. Flynn stated that the residential parking standards were based on a survey that staff completed prior to receiving these projects. The survey included the cities of Irvine, Santa Ana, and some residential high-rises in Los Angeles.

George Sakioka, J.K. Sakioka Company, representing Symphony Towers, 14850 Sunflower Avenue, Costa Mesa, and partner, Patrick Tooley, Wilson Meany Sullivan, LLP, 11150 Santa Monica Boulevard, Los Angeles stated that they were pleased to be here and were available to answer any questions.

Paul Freeman and David Wilson, representing South Coast Plaza Partners, 3315 Fairview Road, Costa Mesa, said they would be happy to answer any questions.

Tim O'Brien, Fifield Companies, 2010 Main Street, Irvine, said they would be making a presentation along with the architects this evening, (Item #3 on the agenda) and would assist in answering any questions.

Commissioner Garlich stated that to clarify that all of the other projects are preliminary master plans at this point which will all come back as final master plans and at that time, they will have conditions of approval attached – they do not have those now. The Fifield project is a final master plan and will be going on for final approval and will have conditions associated with it and the actions on that will be definitive.

PUBLIC COMMENT:

Kathy Esfahani, 2843 Clubhouse Road, Costa Mesa, member of the Costa Mesa Housing Coalition commented that this project is inconsistent with Costa Mesa's Housing Element because it provides no affordable housing to low- or very low income residents. She made the suggestion that Costa Mesa aggressively seek the development of projects that include affordable units, or invite a developer to build a project of entirely affordable units.

Jean Forbath, a resident of Costa Mesa and a member of the Costa Mesa Housing Coalition, said that previously they challenged the draft EIR statement that the City continues to address affordable housing issues through density bonuses and the Westside and Bristol Street Overlay zones. They argued that these initiatives do not address the affordable housing crisis in the City. She said they congratulate the City on the overlay initiative and the proposals before the Commission tonight for proposing much needed housing for Costa Mesa. However, she believed that the City has an obligation to plan for housing affordable to all economic segments.

Chrissy Brooks, a Wallace Avenue resident, and a member of the Costa Mesa Housing Coalition, asked if the Commission would integrate the various levels socioeconomic homes in the proposed development. She said this is not a new idea and there are many examples of successful mixed-income developments in Atlanta, Chicago, Boston, and even Irvine.

Irene McCarthy, a staff attorney with the Public Law Center, said she was here this evening to comment on behalf of the clients of the Public Law Center who are extremely low-, very low-, and low-income persons in need of affordable housing in the City of Costa Mesa. She said her comments are meant to address both Item #2 and Item #3 on the agenda. She said while they commend the City for the rezoning land from commercial to residential, they are concerned that the project as proposed, does not move the City any closer to creating the desperately needed housing for lower income households. They are concerned on behalf of their clients, that the projects before the Commission do not contain any provision for units which will be restricted in affordability to lower-income households. If this project will not result in such units, then the City should, as part of its deliberation, responding to the developers request for approval, identify a site where such housing has affordable, to lower income households that can be construct. The sites should be identified clearly, their viability should be examined, what kind of infrastructure is there, and

what's the density.

Victor Edge, 222 West Aurora, Santa Ana in the Sand Pointe Homes directly across the street from the projects being proposed said that as a resident of the area, he had no objection to the projects as proposed, except that he would like to see some mitigation for sound attenuation along Sunflower Avenue adjacent to the existing apartments and the flood control channel. He noted that Mrs. Edge who spoke earlier (under Public Comments after the "Minutes" section) also commented about this. He said if there was a wall built from the existing commercial that faces on Bristol Street, down to Sakioka, it would greatly attenuate both the sound from the additional traffic created by the projects, and create a physical separation for aesthetic purposes between the Flood Control District (presently graffiti'd) and that area.

In response to a question from the Chair about Mr. Edge's suggestion of a wall, Ms. Flynn stated that the Program EIR does not propose any block walls for noise attenuation purposes for these sites because the proposed projects also includes an amendment to the noise element and an amendment to the zoning code which addresses noise standards for exterior areas of the proposed residential high-rise buildings.

Commissioner Garlich said he questioned the affordable housing comments and he would like staff to respond. Specifically, he said there was a suggestion made to integrate affordable housing requirements into these projects and it was his understanding that Planning Commission does not have that authority. He said before staff comments, he wanted to say that he agrees that the City's performance in meeting its' self-imposed goals for affordable housing is inadequate.

Commission Secretary Mike Robinson said he would like to respond to Commissioner Garlich's comments. He said there are two parts to the housing issue: environmental and policy issues. He said the EIR identified no environmental impacts related to housing, employment, and population. Most of the comments raised by the Housing Coalition advocates are more policy-related issues that must be addressed by the City Council. He pointed out that the City does have a State-certified Housing Element and does prepare an annual report of progress that is forwarded to the State Department of Housing and Community Development, and the City is compliant with all current state housing element requirements and provisions. The City will be updating its Housing Element since the next deadline is June 30, 2008, and a major part of that Housing Element review, is to review the progress for meeting the City's objectives that the City's has set for itself. He pointed out that the housing being discussed this evening is over and above any assumptions the City has made in the current Housing Element and they do not take up any identified sites that have been identified for housing to meet the numbers, and they are additive to any housing production assumptions that the City has made in the housing element.

He said it is true; they do not include an affordable housing component because the City has no legal mechanism to require that. The City is very serious about its housing needs and as a matter of fact, they have spent as much and probably could spend more of the housing funds received from the Community Development Block Grants and redevelopment set-aside funds. The City has had difficulties finding developers to help spend the money. It is not a function where we are not doing our job, it is a function that the City cannot build housing by itself and must partner with other developers who specialize in low-income housing. He wanted the speakers to understand that there are two separate sides to the housing issue: environmental impacts which have not been exceeded any policy impacts, as Commissioner Garlich indicated, that are addressed and set by the City Council.

Vice Chair Hall asked Mr. Robinson to explain who pays for the lower-income housing in inclusionary housing. Mr. Robinson said that it's a cost of development. The developers know when they build a project in cities that have inclusionary housing ordinances; they have to set

aside a certain number (percentage based upon the size of the project). The cost can be assisted through redevelopment housing. Vice Chair Hall felt the people buying in the inclusionary zoning were paying out of their pocket, a hidden tax.

Commissioner Garlich said he was not advocating an inclusionary housing ordinance, but he is saying that we have goals we have set for ourselves that don't require an inclusionary ordinance and he felt we could do a better job of proactively trying to meet them.

Commissioner Egan stated that from the demand side, as opposed to the supply side, we are replacing hotel rooms with residential development because hotel rooms are very labor intensive and require additional lower-income housing by its very nature. She felt by replacing these hotels rooms with residential units, we are already reducing the need for lower-income housing.

Commissioner Fisler asked how the Density Bonus Program applies to newly-built projects and how it can automatically be incorporated from staff if it is desired. Mr. Robinson said that typically, it's only applied to new projects. Density Bonus law has become very complicated in the last couple of years with a lot of factors, but it is mainly applied to new development or redevelopment sites.

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

MOTION 1:
(a) FINAL PROGRAM
ENVIRONMENTAL IMPACT
REPORT NO. 1052 (STATE
CLEARING HOUSE NO.
2006011077)
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Vice Chair Hall and carried 5-0 to recommend to City Council, certification of Final Program EIR No. 1052, by adoption of Planning Commission Resolution PC-06-64.

MOTION 2:
(b) GENERAL PLAN
AMENDMENT GP-06-02
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0, to recommend to City Council, approval of General Plan Amendment GP-06-02, by adoption of Planning Commission Resolution PC-06-65, based on information and analysis contained in the Planning Division staff report.

MOTION 3:
(c) SPECIFIC PLAN
AMENDMENT SP-06-02
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0, to recommend to City Council, approval the North Costa Mesa Specific Plan Amendment SP-06-02, by adoption of Planning Commission Resolution PC-06-66, based on information and analysis contained in the Planning Division staff report.

MOTION 4:
(d) ZONING CODE
AMENDMENT CO-06-05
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Vice Chair Hall and carried 5-0, to recommend to City Council, approval of the Zoning Code Amendment CO-06-05, by adoption of Planning Commissioner Resolution PC-06-67, based on information and analysis contained in the Planning Division staff report.

MOTION 5:
(e) PRELIMINARY MASTER
PLAN PA-05-53 for SITE 1,
SEGERSTROM TOWN CENTER
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0 to recommend to City Council, approval of the Preliminary Master Plan PA-05-53, Site 1, Segerstrom Town Center, by adoption of Planning Commission Resolution PC-06-68, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

Public Services Section-Mitigation Monitoring Program:

Prior to issuance of building permits, the project applicant shall pay a library services impact fee for the development costs for expanded or new library facilities, pursuant to the Library Services Impact Fee Program, if such a program is established by the City of Costa Mesa and is in place by December 31, 2008 (Sites 1-5).

During discussion on the motion, Commissioner Egan requested that a condition be included regarding this and the next 3 motions (as shown above).

MOTION 6:

A motion was made by Commissioner Garlich, seconded by Vice Chair

(f) PRELIMINARY MASTER PLAN PA-05-52 for SITE 2, ORANGE COUNTY MUSEUM OF ART Recommended to City Council

Hall and carried 5-0 to recommend to City Council, approval of Preliminary Master Plan PA-05-52, Site 2, Orange County Museum of Art, by adoption of Planning Commission Resolution PC-06-69, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

Public Services Section-Mitigation Monitoring Program:

Prior to issuance of building permits, the project applicant shall pay a library services impact fee for the development costs for expanded or new library facilities, pursuant to the Library Services Impact Fee Program, if such a program is established by the City of Costa Mesa and is in place by December 31, 2008 (Sites 1-5).

MOTION 7:
(g) PRELIMINARY MASTER PLAN PA-05-47 for SITE 4, SYMPHONY TOWERS Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0, to recommend to City Council, approval of the Preliminary Master Plan PA-05-47, Site 4, the Symphony Towers, by adoption of Planning Commission Resolution PC-06-70, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

Public Services Section-Mitigation Monitoring Program:

Prior to issuance of building permits, the project applicant shall pay a library services impact fee for the development costs for expanded or new library facilities, pursuant to the Library Services Impact Fee Program, if such a program is established by the City of Costa Mesa and is in place by December 31, 2008 (Sites 1-5).

MOTION 8:
(h) PRELIMINARY MASTER PLAN PA-05-50 for SITE 5, PACIFIC ARTS PLAZA Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0 to, recommend to City Council, approval of the Preliminary Master Plan PA-05-50, Site 5, Pacific Arts Plaza, by adoption of Planning Commission Resolution PC-06-71, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

Public Services Section-Mitigation Monitoring Program:

Prior to issuance of building permits, the project applicant shall pay a library services impact fee for the development costs for expanded or new library facilities, pursuant to the Library Services Impact Fee Program, if such a program is established by the City of Costa Mesa and is in place by December 31, 2008 (Sites 1-5).

In response to the Chair, Mr. Robinson stated that this item would be going to the City Council calendar of October 17, 2006.

FINAL MASTER PLAN PA-05-48 AND VESTING TENTATIVE TRACT MAP VT-17017 FOR SITE 3, THE CALIFORNIAN AT TOWN CENTER

Fifield Properties/O'Brien and Ortega

The Chair opened the public hearing for consideration of Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017 for Site 3, The Californian at Town Center by Fifield Properties for demolition of 21,349 square feet of Lakes Pavilions Retail Center and construction of a maximum of 250 high-rise residential units within two, 25-story high-rises; with additional 2,350 square feet of ancillary retail; and approval of Vesting Tentative Tract Map VT-17017, located at 580 Anton Boulevard in a PDR-HD zone. Environmental determination: Final Program EIR No. 1052.

Senior Planner Claire Flynn reviewed the information in the staff report and gave a presentation. She said staff was recommending to Planning Commission that they recommend to City Council, approval of Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017 for Suite 3, The Californian at Town Center, by adoption of Planning Commission resolution, subject to conditions.

Commissioner Egan said she did not see that there is any underground parking in this project but asked if there was any indication that there may be dewatering in connection with this construction. Ms. Flynn stated that there is one level of subterranean parking and that level, once excavated, will encounter ground water; there is a mitigation measure that addresses in detail what is required with regards to a final geotechnical report, dewatering plan, etc. Commissioner Egan said she

did not see anything in that measure that addressed possible off-site impacts of the dewatering plan and asked if the Commission was going to add a condition would this be the place to do it. Ms. Flynn confirmed and said it can be added and should specifically address off-site dewatering.

Commissioner Fisler stated that on conditions of approval #21 and #22, there is discussion about replacing trees that are lost in the public right-of-way and that they are replaced on a 1 to 1 tree replacement ratio and that it will go before the Parks and Recreation Commission. He said at one time the ratio was 3 to 1; if one tree was removed, 3 would replace (not necessarily the same size). Ms. Flynn explained that the condition can be revised to provide the Parks Commission that flexibility and not stipulate the 1 to 1 ratio. Commissioner Garlich asked what the code requirement specifies. Ms. Flynn stated that the code requirement is 3 to 1 and that they would change the condition to read as such.

Commissioner Garlich said that the discussion of the reduction of the landscape easement by 5 to 10 feet makes reference to a similar thing that went on with the Irvine Apartment Communities Project, and asked why that is not a variance. Mike Robinson added that the 25-foot landscape standard came about because there was at one time, a 25-foot perimeter landscape standard for the Planned Development zones. In the meantime, if the code requirements for setbacks were reduced to 20 feet, the 25-foot historical landscape easement still remains, so in The Irvine Company projects the setback was reduced so that landscape easement to 20 feet would coincide with the reduced setback.

The Chair asked about condition of approval #5, "(3) require that the HOA prohibit any clothing, beach towels, flags, banners, textiles, or any other items deemed as visual clutter to be hung from private balconies,..." was concerned that flags were being prohibited. The Commission discussed this subject and decided to strike "flags" from the sentence and it was included later in the motion.

In response to the Chair concerning security on-site, Ms. Flynn explained that condition of approval #39, on page 21 of the staff report, does talk about the developer working closely with the Police Department to implement any security recommendations. Some of the recommendations that have been identified at this time, are a 24-hour on-site private security for the project; and an on-site video surveillance system. She said there is also a long list of other security measures that the developer can work with the Police Department to implement.

Commissioner Garlich said that condition of approval #39 also notes a list of security recommendations is provided to the developer. He wanted to know how we are going to fight fires in these high-rises. In response, Ms. Flynn explained that there is a storage area that will be next to the stairwell where the firemen can store equipment versus carrying it to different floors.

The Chair said he had concerns about a Knox box being used to protect the storage area for the use of the Fire Department, and that if someone were break into it, he wanted to know if there was a penalty and what it was. Ms. Brandt said it would be a code enforcement infraction because it is a standard that would be adopted as part of this project and it is supposed to be maintained by them as conditions of approval, so we would have the ability to impose fines through Code Enforcement.

In response to a question from Commissioner Egan regarding a sprinkler system in case of fire, Ms. Brandt stated that they will have sprinkler systems in place.

In response to the Chair, Ms. Brandt asked that the architect, in his presentation, include the escape routes for the buildings.

The Chair called a recess and the meeting resumed at 8:30 p.m.

Ben Ortega with the Fifield Company announced that he used to be a

BREAK:

City Planner here at the City of Costa Mesa and recalled the names of some well-known past and present planners with the City. Mr. Ortega gave a brief presentation and explained that Richard Keating, the architect for the project, would explain previous questions by the Commission. Mr. Keating gave a presentation of the buildings and their surroundings. He explained that parking is contained from the ground floor up to the 5th floor (5 story parking garage) and is hidden behind the landscaping. He said the 3 to 1 tree ratio could be easily met.

Dave Larkin, Managing Principal of LRM, Ltd. Landscape Architects, explained the landscaping and trees, and the character and purpose as related to the subject property.

Mr. Keating continued and explained the fire and escape routes and storage of fire department equipment for the building, etc.

In response a question from Commissioner Garlich regarding the everyday service needs of people living there, Mr. Ortega said they consider this "walk up retail, non-trip generating, resident amenity-type retail services" available to them.

In response to a question from Commissioner Garlich as to whether this project is in the Theater and Arts District, Ms. Brandt stated that it is not within the district and that boundary is the Avenue of the Arts and the subject property is located east of it. In further response to another question, Ms. Brandt said 3 of the 5 sites are within the Theater and Arts District Plan (Site 3, and Site 4 - Symphony Towers). As to his question regarding integration of all these projects so that there is a feeling and look of unity in appearance, Mr. Ortega explained that all the applicants know and respect one another, and the glue of these projects is really at the hardscape/landscape side and perhaps they can establish some "commonality" that they could develop out of the this; he was sure it was possible. Commissioner Garlich said that was his notion but he didn't know if he was reaching too far and was happy to hear that.

Ms. Brandt said we do have the Theater and Arts District Plan and landscape materials that are adopted for our public right-of-ways and include Avenue of the Arts and Anton Boulevard; they are the same whether you are on the east or west side of Avenue of the Arts so there will be continuity through our adopted landscape palette for this area. She said staff keeps in mind the different projects occurring. A little farther north of this project is the new traffic circle being incorporated at Town Center Drive as a part of the new Pedestrian Plaza. All the applicants have copies of all these plans and are trying to mold a seamless continuity between these projects. Commissioner Garlich said he was encouraged by that because he believed the attention of staff, as these other projects come forward, have the benefit of the one behind and then there is the next one coming along, and coupled with what he believes there will be a tendency to cooperate because everybody wants this to turn out "optimized."

Commission Secretary Mike Robinson said that was the very purpose of the North Costa Mesa Specific Plan, to establish general overall policies that would tie everything together from Sunflower/Main to Home Ranch in terms of linkages between developments, and "way finding" between projects of different developers. He felt there were policies in the North Costa Mesa Specific Plan that were adopted for that very purpose.

In response to the Chair regarding emergency exits, Mr. Keating reviewed all emergency exits and pointed them out on the plans.

In response to the Chair regarding the glass cases outside, Mr. Keating explained that in the conditions of approval there is a restriction that the glass cases could only be used for graphics or artistic elements that would be shown along the streetscape. There would be no commercial advertising allowed.

In response to the Chair regarding parking and a graceful turn around, Mr. Keating said it was close to 70 feet. He said turning in any parking

garage is basically the same, but the cars can completely turn around in this case.

In response to the Chair regarding the pool, Mr. Keating said it was on the second floor, and security at the pool is covered by code requirements which they must meet for both children and adults. The HOA is in charge of anything having to do with the quality of their residents' experience.

Vice Chair Hall stated that it was a beautiful project and asked about the time line. Mr. Keating stated that it's a 2-year project from start to finish.

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

MOTION:
PA-05-48/VT-17017
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Vice Chair Hall and carried 5-0, to recommend to the City Council, approval of Final Master Plan PA-05-48 and Vesting Tentative Tract Map VT-17017 for Site 3, The Californian at Town Center, by adoption of Planning Commission Resolution PC-06-72, based on information and analysis 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

- 5. (3) require that the HOA prohibit any clothing, beach towels, flags, banners, textiles, or any other items deemed as visual clutter to be hung from private balconies;...
- 21. Prior to submission... Commission will required that the City be compensated for the loss of street trees in the public right-of-way pursuant to a 3-to-1 ratio, as described in Conditions No. 22. Any conditions imposed...
- 22. Replacement of trees shall be of a size consistent with trees to be removed, and shall be replaced on a ~~1-to-1~~ 3-to-1 basis. This condition shall be completed under the direction of the Planning Division.

Public Services Section-Mitigation Monitoring Program:

Prior to issuance of building permits, the project applicant shall pay a library services impact fee for the development costs for expanded or new library facilities, pursuant to the Library Services Impact Fee Program, if such a program is established by the City of Costa Mesa and is in place by December 31, 2008 (Sites 1-5).

During discussion on the motion, Commissioner Fidler asked the maker of the motion if he would be amenable to correcting condition of approvals #21 and # 22 from a ratio of 1 to 1 to reflect the code requirement ratio of 3 to 1. The maker was in agreement.

Commissioner Egan stated that she would like to add a similar condition that if the City Council should adopt a Library Fee Program by the end of 2008, that this project would also be part of that program. The applicants agreed; the maker of the motion agreed.

The Chair asked if the maker would be amenable to the deletion of the word "flags" in condition of approval #5, Commissioner Garlich agreed.

There was another discussion regarding the flag among the Commissioners and Assistant City Attorney Harold Potter. The Commission, after some deliberation, decided to omit the word "flag" as suggested by Commissioner Egan as shown in the motion above.

Mr. Robinson said this item would be going to City Council on their October 17, 2006 agenda.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT: None.

REPORT OF THE CITY None.

ATTORNEY'S OFFICE:

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 9:20 p.m. to the meeting of Monday, September 25, 2006.

Submitted by:



R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION