

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
February 8, 2010**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:00 p.m., February 8, 2010, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Righeimer.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Commissioner Mensinger led the Pledge of Allegiance.

II. ROLL CALL: Chair: James Righeimer
Vice Chair: Sam Clark
Commissioners: Jim Fitzpatrick, Colin McCarthy, and Stephen Mensinger

Present: Chair James Righeimer
Vice Chair Sam Clark
Commissioner Jim Fitzpatrick
Commissioner Colin McCarthy
Commissioner Stephen Mensinger

Absent: None.

Also Present: Assistant Planning Commission Secy. Claire Flynn
Deputy City Attorney Jeremy Rytky
City Engineer Ernesto Munoz
Transportation Svs. Mgr. Raja Sethuraman
Senior Planner Mel Lee
Senior Planner Minoo Ashabi

III. PUBLIC COMMENTS:

None.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Mensinger noted that Pop Warner sign-ups are this month starting on February 1, for Flag Teams, and the cost is \$65. He also complimented City Engineer Ernesto Munoz on the outcome

of the rehabilitation of South Coast Drive and said it looks great. Mr. Munoz explained that South Coast Drive's improvements were from Fairview Road to Bear Street, in both directions.

Vice Chair Clark commented on his tour last Friday of the first LEED Platinum Green Home in Orange County. The owner is Mr. Blanchard, and the house has solar panels and a grey water system to conserve water. He congratulated Mr. Blanchard and also thanked Mr. Munoz for South Coast Drive's rehabilitation.

Commissioner McCarthy mentioned that this Wednesday, from 4:00 p.m. to 9:00 p.m. at Ruby's Diner on 17th Street, is a fundraiser event for our central library; announced Costa Mesa High School's Inaugural Mardi Gras event on February 27 to raise funds for Newport-Mesa schools; noted the Costa Mesa Community Run on April 24; mentioned the Mesa Verde Classic on April 19; commented on last week's City Council meeting decision relating to construction hours and City Council looking into permitting issues for the future; and stated he went to the Open House event for the Meat House and their parking lot was full. He said he was excited for local businesses and this business volunteered items for the Mesa Verde Classic event.

Commissioner Fitzpatrick commented on the Meat House; noted graffiti tagger capturing; complimented his fellow Planning Commissioners for attending the LEED Platinum Green building tour; congratulated the Costa Mesa High School Cheerleaders for winning the Varsity National Championship; and commented on Costa Mesa Sanitary District's trash containers and the sewer laterals. He asked staff to clarify the agreement between the City and the Costa Mesa Sanitary District. He also noted last Saturday's article in the Orange County Register concerning the upgrades of the terminus of the SR-55 Freeway at 19th Street to improve and beautify the City and thanked Public Services Director Peter Naghavi and his staff.

The Chair commented on attending the LEED Platinum Green house; the previous Study Session concerning Code enforcement and receiving 35-40 pictures provided by Gregg Ridge of Costa Mesa of beautiful homes on the Westside; and congratulated the newest Planning Commissioner Jim Fitzpatrick for attending the four-day Green Building Training. The Chair said that this is the first

Planning Commission in the State with multiple members certified by the Green Building Professionals (Commissioner Steve Mensinger is also certified). The Chair handed Commissioner Fitzpatrick his framed Certified Green Building Professional Certificate.

V. CONSENT CALENDAR:

1. Minutes for the meeting of January 11, 2010.

The Chair asked the Commissioners to move on the Consent Calendar items and Commissioner McCarthy requested that the second item on Costa Mesa's General Plan be pulled for discussion.

**MOTION: Approve.
Moved by Vice Chair Sam Clark, seconded by Chair James Righeimer.**

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

2. 2009 Annual Review of City of Costa Mesa's General Plan

Commissioner McCarthy commented on hand written Page 6, Item 4, implementing the Coolidge Avenue/Fillmore Way Neighborhood Improvement Plan, and mitigating blight issues. In response to Commissioner McCarthy's question as to what can be done to better effectuate the blight issues, Senior Planner Minoo Ashabi replied that she can prepare a report on this subject.

Vice Chair Clark added that he needs a copy of the Coolidge Avenue/Fillmore Way Neighborhood Improvement Plan.

Commissioner McCarthy said he was concerned with the City's long-term ideas.

Commissioner Fitzpatrick noted that he had read the General

Plan and specifically hand written Pages 49-50, Objective CON-1B.2, regarding pursuing the use of reclaimed wastewater. A discussion ensued regarding Commissioner Fitzpatrick and another Commissioner teaming up and meeting with Mesa Consolidated Water District concerning this objective.

MOTION: Receive and file.

Moved by Commissioner Colin McCarthy, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

VI. PUBLIC HEARING:

- 1. Application No.: PA-09-15**
Site Address: 1640 Monrovia Avenue
Applicant: Nexus
Zone: C1
Environmental
Determination: Mitigated Negative
Declaration (adopted November 2007)

Description:

Master Plan Amendment for a 185-unit assisted living senior facility to replace a previously-approved 145-unit residential development and 5-unit live/work development in a mixed-use project. The proposed assisted living facility will be 2 to 3 stories in height and will include 133 parking spaces in a surface parking lot, congregate dining, and outdoor recreational amenities. The 42,000 sq. ft. office component of this previously-approved mixed-use development is unchanged.

Assistant Planning Commission Secretary Claire Flynn reviewed the information in the staff report and the supplemental memo dated February 4, 2010, and provided a

slide presentation. Ms. Flynn pointed out that staff believes this project is in conformance and consistent with the General Plan. Ms. Flynn responded to questions from the Commission regarding the existing poles, density bonus, and floor area ratio (FAR).

Regarding ex parte communications, Commissioner Mensinger said he spoke to Cory Alder; Vice Chair Clark stated he met with Mr. Alder and other representatives of Nexus; and the Chair, Commissioner McCarthy, and Commissioner Fitzpatrick said they met with the applicant.

Cory Alder, President of Nexus Development, discussed overhead/undergrounding utilities. He clarified that five poles are within the frontage of Monrovia Avenue, two outside poles will stay, and three poles on Monrovia Avenue are underground.

Mr. Alder noted the approximate cost of \$900,000 for the undergrounding and said he needs time to work with Southern California Edison. He also said development/completion will occur three years from issuance of the Building permits, as stated in the supplemental memo. Mr. Alder explained they will move forward with financing and said the riser poles will be added within 25-35 feet keeping the lines away from the assisted living building and its balconies.

The Chair, Commissioner Mensinger, and Mr. Alder discussed the placement of the overhead poles, with two guide poles across the street, three poles taken out (underground), and the need for additional riser poles. Mr. Alder noted the service goes across the street and Commissioner Mensinger added that the cost of undergrounding along the 400 foot frontage will be \$2,000 a foot.

Ms. Flynn noted that the two outside distribution poles are riser poles and are substantially shorter and are located further from view.

Mr. Alder explained that the plans with Southern California Edison are conceptual and that is why they need three years from issuing permits. He said he hopes he will have working

drawings by early summer. He also said the south pole will be parallel to Babcock Street and the north pole will go across the street and will serve Newhall Street.

In response to Vice Chair Clark's questions as to why the north and south poles cannot be removed, City Engineer Ernesto Munoz replied that exterior poles remain to bring interior undergrounding wires back up. He also said that generally Southern California Edison designs poles with galvanized steel. Vice Chair Clark mentioned that some type of plan is needed for undergrounding.

The Chair suggested meeting with staff to discuss infrastructure, poles, sewer concerns, and looking at the area of 15th Street, 16th Street, and 17th Street. He noted that there should be a rotation of Commissioners meeting with staff. He also commented on wires in between poles and risers.

Commissioner Mensinger and Mr. Alder discussed undergrounding the entire street. Commissioner Mensinger referenced the Lafayette substation.

Deputy City Attorney Jeremy Rytky emphasized that a plan needs to be in place, and this usually involves assessment districts. Mr. Rytky also commented on the five-year statute of limitations to expend such funds.

Commissioner Fitzpatrick suggested directing staff to contact Southern California Edison and nearby property owners regarding undergrounding.

The Chair directed that two Commissioners at a time meet with staff to discuss utility undergrounding prior to talking to the property owners. He also complimented the applicant and staff for working together.

Commissioner Fitzpatrick thanked Mr. Alder for the wrought iron fencing and his follow-up letter on their green building accomplishments. He also encouraged Mr. Alder regarding the planting of trees.

Vice Chair Clark and Mr. Alder discussed drought resistant ground cover for 2.69 acres.

Roger McGregor, nearby business owner, congratulated the applicant on this appealing-looking, first-rate project, and said he hopes the Commission supports the project.

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

MOTION: Approve Master Plan Amendment PA-09-15, by adoption of Planning Commission Resolution PC-10-4, based on the reasons set forth in the original findings contained in Exhibit "A", subject to the revised conditions of approval in Exhibit "B" of the supplemental memorandum dated February 4, 2010, and the mitigation measures contained in Exhibit "C" of the original staff report.

Moved by Commissioner Colin McCarthy, seconded by Vice Chair Sam Clark.

During discussion on the motion, Vice Chair Clark asked if there should be the inclusion of the mitigation measures in Exhibit "C" and Ms. Flynn agreed. The maker of the motion and the seconder agreed to include the mitigation measures in Exhibit "C" as part of the motion.

A discussion ensued between the Chair and Commissioner McCarthy regarding density.

Mr. Alder returned to the podium and noted this project is for a licensed assisted living facility with memory care.

Commissioner McCarthy gave his support for macro-level discussion relating to utility undergrounding.

Vice Chair Clark complimented Nexus Development on their quality project with no negative impacts and said he appreciated the landscaping, the enhancement to the Westside, and the dollars spent to remediate the soil.

Commissioner Mensinger appreciated how the applicant

interpreted the General Plan, and made the project compatible to the neighboring properties. He also thanked Nexus Development for their hard work and the money spent on this project.

The Chair commended the applicant on this great project and the dozens of jobs that will be created.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

The Chair explained the appeal process.

VII. NEW BUSINESS

1. Freeway Right-of-Way Fence Options

Transportation Services Manager Raja Sethuraman presented a report and provided a slide presentation. He commented that there are three freeways in Costa Mesa: the I-405, SR-73, and SR-55 which becomes Newport Boulevard.

Mr. Sethuraman noted that he has met with and worked with Caltrans, but they are short staffed and the City must follow Caltrans' conditions. He commented on enhancing landscaping, agreements, adopting freeways, replacing existing chain link fencing, and the conditions of the encroachment permit process.

Mr. Sethuraman explained that relating to the 405 Interchange, the City needs to comply with Caltrans' conditions. He provided and presented pictures of fences showing the old Tower Records on Newport Boulevard with a chain link fence. He noted that a solid wrought iron fence could be installed at that location. Mr. Sethuraman commented on the minimum setback requirements of 30 feet of clear zone and spoke about metal beam guardrails. He also commented on pilasters and the setback requirements, and sound walls with the installation

of concrete barriers. He added that these installations would have visibility issues.

Mr. Sethuraman asked if there were any recommendations to take to Caltrans.

Commissioner Mensinger replied that his objective is to improve the market windows to the City, especially the offramps. He commented on Caltrans' past involvement and the visually unappealing chain link fencing along South Coast Drive, a major arterial. He suggested looking at the attractive fencing along I-605 in Cerritos.

Commissioner Mensinger and Mr. Sethuraman discussed the fencing along Susan Street, which is Segerstrom's property.

Commissioner Mensinger commented on Title 20, Property Code violations, property condition issues, arterials, and fences representative of the City.

The Chair pointed out that Mr. Sethuraman will be the contact for Caltrans.

Vice Chair Clark mentioned that wrought iron fencing should be used at the minimum, and noted the 30-foot setback and wrought iron fencing with pilasters. He said there should be a Citywide stream-lined, pre-approved, freeway fencing program to be used and this would eliminate problems developers encounter with Caltrans. The Vice Chair added that chain link fencing is not desirable.

Commissioner McCarthy made some comments concerning Attachment 1, chain link fencing, and noted Attachments 4 and 5 are his preference.

Commissioner Fitzpatrick and Mr. Sethuraman discussed chain link fencing, the project by project basis for fencing, and Caltrans' guidelines. Commissioner Fitzpatrick pointed out and requested that this process needs to be improved.

The Chair said this is a two-part process. The first part is the City asking the developers to provide greenscape, and there is

a three-party agreement between the developer, the City, and Caltrans. He commented on a standard requiring pilasters first, where applicable, and requiring wrought iron fencing second. The second part relates to what the City is asking Caltrans to approve in the project.

Commissioner Mensinger discussed with Mr. Sethuraman that he is inclined to select the pilasters and placing guardrails everywhere. He also emphasized galvanized steel in the specifications. Mr. Sethuraman agreed.

Commissioner Fitzpatrick and Mr. Sethuraman discussed the fencing at Newport Boulevard and 17th Street, next to Denny's, and Mr. Sethuraman noted that Public Services Director Peter Naghavi has communicated with Commissioner Mensinger that the City is working with the property owner to put up the fencing and Caltrans will not install the fencing.

The Chair mentioned that the developer wants to take care of the right-of-way. Commissioner Mensinger added that it is a cost issue of \$16,000 and the City is encouraging the developer to pay for the fencing.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

1. 2009 Planning Commission Design Awards and Mesa Green Design Awards Selection

Senior Planner Mel Lee reviewed the information in the staff report, including the listed projects that can be nominated for the 2009 Planning Commission Design Awards and the Mesa Green Design Awards. Mr. Lee noted that the nominations can be provided by February 16 for the Planning Commission to vote in their meeting of March 8. He also said special recognition can be made for the 2009 Mesa Green Design Awards.

Commissioner Mensinger suggested the Commissioners turn in their binders tonight to staff with their written selections.

A discussion ensued and the Chair stated that the Commission can nominate as many projects as they wish.

Commissioner Fitzpatrick asked about the Green perspective, and recognizing businesses that operate a Green process.

The Chair said those businesses could be recognized.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

Commissioner Mensinger asked about the selection process for the awards and the Chair explained the process. He reiterated that the project can be from 2009 or another year.

X. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, MARCH 8, 2010.

There being no further business, Chairman Righeimer adjourned the meeting at 7:43 p.m. to the Planning Commission meeting at 6:00 p.m. on March 8, 2010.

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