

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

September 9, 2013

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.

Commissioner McCarthy led in the Pledge of Allegiance.

ROLL CALL:

Present: Chair Jim Fitzpatrick
Vice Chair Robert Dickson
Commissioner Colin McCarthy
Commissioner Jeff Mathews
Commissioner Tim Sesler

PUBLIC COMMENTS - None

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Sesler stated the new and improved 311 Application services were delayed and referred the public to the website for forms and phone numbers. He also reported on the substantial progress of the mini-sweeps on Placentia between Wilson and Victoria.

Vice-Chair Dickson announced the September 12th General Plan Workshop at 6 p.m. at the Neighborhood Community Center.

Commissioner McCarthy announced the next OCTA meeting regarding the I-405 Freeway would be on September 26th. He invited the public to the Battle of the Bell football event on October 11, 2013 at Jim Scott Stadium and said Costa Mesa United would be having their annual pre-game tailgate and dinner.

Chair Fitzpatrick reported on the OCTA's Bike-Ability Workshop on September 11th from 6-7:30 p.m. at the Neighborhood Community Center. He spoke about his attendance at the groundbreaking ceremonies for the Street Rehabilitation Project and the issues/tactics that the Newport Boulevard Specific Plan (SP-96-01 adopted July 1996) addressed. He asked Interim City Engineer Fariba Fazeli for an update on the street rehabilitation project.

Interim City Engineer Fariba Fazeli provided a brief summary on the Airport Street Rehabilitation Project that included 14 arterial streets and one residential street; she stated that weather permitting, the pavement work would be completed within 4-6 months.

Chair Fitzpatrick introduced Community Improvement Director Keith Clarke who gave a detailed report and power point presentation regarding the services, facts/data and accomplishments of the Neighborhood Improvement Task Force.

CONSENT CALENDAR:

1. Minutes for the meeting of August 26, 2013
2. Code Enforcement Update

PUBLIC COMMENTS - None

MOTION: Approve Consent Calendar Items 1 and 2. Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

PUBLIC HEARINGS

1. **Application No.:** PA-87-154
Applicant: Roy Hasson/Erika Hernandez
Site Address: 2180 Newport Blvd.
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt
Description:
Review of conditional use permit for an existing recycling center (RePlanet, formerly EarthWize) within the Stater Bros. Market parking lot for possible modifications to the recycling facility including, but not limited to, the following:
 1. Modification to the location of the recycling facility within the Stater Bros. parking lot;
 2. Possible changes to the conditions of approval for the operation of the recycling facility; or
 3. Possible revocation of the conditional use permit for the recycling facility.

PUBLIC COMMENTS:

None.

MOTION: Continue PA-87-154 to Planning Commission meeting of November 12, 2013. Moved by Chair Fitzpatrick, seconded by Vice-Chair Dickson.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

2. **Application No.:** PA-12-25 & TT-17509
Applicant: Peter Zehnder
Site Address: 2519 ½ and 2525 Santa Ana Avenue
Zone: R2-MD
Project Planner: Minoo Ashabi
Environmental Determination: Exempt
(Continued from August 26, 2013 Planning Commission Meeting)
Description:
The proposed project involves:
 - 1) **Design Review PA-12-25** to construct an 8-unit, two-story detached single-family residential development, including the following:
 - a) Variance from common lot requirement and establishment of a homeowners association

- b) Variance from parking requirements (41 foot back up area required, 38'6" proposed for two units; and two standard parking stalls required per unit, two compact stalls proposed for two units);
 - c) Variance from minimum driveway length (19 feet required, 18'6" proposed for two front units);
 - d) Variance from parkway landscaping (3 feet required on one side/10 feet total on both sides, 2 feet proposed one side / 7 feet total on both sides);
 - e) Administrative Adjustment to reduce the front setback requirement for main buildings (20 feet required, 15 feet proposed);
 - f) Administrative Adjustment to reduce the rear second floor setback (20 feet required, 15 feet proposed);
 - g) Administrative Adjustment to reduce the distance between the buildings (10 feet required, 8 feet proposed);
 - h) Minor Modification to reduce front setback requirement for a perimeter wall along Santa Ana Avenue (10 feet required; 8 feet proposed);
 - i) Deviation from residential design guidelines related to second floor to first floor ratio (80% recommended, 92% proposed); and,
 - j) Deviation from residential design guidelines related to second floor average side setback (10 feet recommended, 5 feet proposed).
- 2) **Tentative Parcel Map No. 17509** to subdivide a 0.708-acre parcel for an 8- unit small lot subdivision.

PUBLIC COMMENTS:

None.

MOTION: Remove PA-12-25, TT-17509 from the Agenda and re-notice said item for a public hearing at a future date. Moved by Chair Fitzpatrick, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
 Noes: None
 Absent: None
 Abstained: None

3. **Application No.:** PA-13-19
Applicant: Tim O'Brien
Site Address: 580 Anton Blvd
Zone: PDR-HD
Project Planner: Claire Flynn
Environmental Determination: Addendum to EIR
Description:

The proposed Anton Residential Mid-Rise Building at 580 Anton Boulevard in the PDR-HD zone involves the following: A Final Master Plan PA-13-19 involving: (a) demolition of 21,349 sq.ft. of The Lakes Pavilions Retail Center; (b) construction of a maximum 250-unit midrise residential building consisting of seven stories above grade and one subterranean level. The five-story, type III, fully sprinklered residential building is over a three level parking garage (one parking level below grade). The building is proposed at a height of 87 feet. It includes 438 parking spaces with additional ancillary retail and amenity spaces; (c) variance from parking requirements [minimum 450 required; 438 spaces proposed]; (d) variance from the open space perimeter setback requirement for the corner of the building at Avenue of the Arts and Anton Boulevard [20 foot setback required; 10-11 foot setback proposed]. Note: A preliminary master plan establishing the maximum density and building height had previously been approved.

The final master plan review allows consideration of the structures' scale, site planning, landscaping, and appearance, with the goal of promoting design excellence while giving consideration to the project's compatibility with existing uses and consistency with the North Costa Mesa Specific Plan.

Environmental Determination: 2013 Addendum to the Final Program EIR No. 1052 (Previously Certified on November 21, 2006 by City Council). FINAL ACTION ON MASTER PLAN REQUIRED BY: Planning Commission.

Assistant Development Services Director Claire Flynn summarized the staff report and provided an overview of the proposed Anton Midrise Building.

Ms. Shawna Shaffner, Chief Executive Officer of CAA Planning reported that in 2006, her company prepared the original Program Environmental Impact Report for the five project sites and had now prepared an addendum for Site 3, 580 Anton. Pursuant to California Environmental Quality Act (CEQA), "an addendum to a previously certified EIR is to be prepared when there are changes to the project that would not require substantial revisions to the EIR and when no substantial changes, with respect to circumstances under which the project is being undertaken, occur". CEQA Section 15164 identified that "an addendum is to be used to document minor technical changes from a project where no substantial changes from the original EIR analysis occur." Ms. Shaffner stated the changes for the 580 Anton project were minor in nature.

Commissioner McCarthy asked if for purposes of environmental review, the 580 Anton project was a less-intense choice to build than what had originally been approved in 2006. Ms. Shaffner concurred.

A lengthy discussion regarding parking issues took place (parking rates, mechanical lifts as options, parking for walk-up ancillary retail, compact spaces, etc.).

Legacy Partners applicant Tim O'Brien confirmed he had reviewed the conditions of approval and was in agreement with them. He provided background information regarding Legacy Partners and spoke about the proposed high-end residential units at 580 Anton.

Donald Getman, Principal with GMP Architects-LA, walked the Commission through a power point presentation that highlighted the project's architecture and amenities.

Duane Border, Landscape Architect with Duane Border Design gave a power point presentation and stated there were three things from a landscape perspective that they wanted to accomplish: 1) contemporary character to match the architecture as well as the Arts District; 2) create a palette of responsible, water-conserving, easy-to-maintain and long-lasting materials, and 3) add engaging landscape environments.

Mr. O'Brien addressed the parking and setback variance concerns raised by the Commissioners.

PUBLIC COMMENTS

George Sakioka, Sakioka Company, LLC, stated the Anton Midrise Building was an attractive addition that would enhance the northeast side of Costa Mesa. His intent was not to delay the project's approval but he did have concerns with the parking on the southeast corner of Anton and Avenue of the Arts and wanted to go on record that they preserved their right to appeal Application PA-13-19 if need be the case.

Beth Refakes, Eastside resident, said the parking was not adequate and expressed concern with the compact parking spaces. She asked if there would be a turnout at the entrance and was happy to see a midrise building instead of a highrise.

Valerie Salter, was concerned with the structure of the 55 Freeway, the location of gas stations, sewage damage in the event of an earthquake, vehicle exhaust, street cracks and re-tarring of the surface streets.

Michael Walseth, representing Barbara and Roger Allensworth, said the Allensworths supported the project. He understood the parking issues and stated that owning a car would not be an occupant necessity due to the project's great amenities and location.

Mr. O'Brien presented his closing comments.

Ms. Flynn advised there was a recorded land use restriction that allowed the tenants and employees of The Lakes Pavilion to park across the street. However, given the entitlement with Symphony Towers, the 32 parking spaces would not provide additional parking for the Anton Midrise project. The title would need to be cleared and the land use restriction removed for the 32 parking spaces.

Chair Fitzpatrick asked how the issue with the 32 additional parking spaces could be resolved. Mr. O'Brien felt that because the project was not relying on the 32 additional parking spaces and staff's analysis did not include the additional parking, it should not be required. This would afford him the opportunity to meet and work on an agreement with Mr. Sakioka. If Mr. Sakioka was not in agreement he could file an appeal with the City.

Vice-Chair Dickson asked if it would be possible to include in the conditions of approval that this approval did not contemplate any off-site parking spaces that were subject to an earlier land restriction under a prior owner and Master Plan. Ms. Flynn confirmed said verbiage could be included as well as requiring that the land use restriction for the reciprocal parking arrangement for the 32 parking spaces be revoked, removed from the title and be null and voided once the entitlement was approved and construction of the midrise building began. As The Lakes Pavilion continued to exist, so would the agreement. Mr. O'Brien was in agreement with said condition. Mr. Sakioka stated he would meet with Mr. O'Brien to work out an acceptable agreement.

Chair Fitzpatrick closed the public comments session.

Vice-Chair Dickson asked to strike Condition of Approval No. 29 since it was identical to No. 22 and replace it with verbiage pertaining to the 32 additional parking spaces if necessary. Ms. Flynn concurred and said staff would craft the final language.

Vice-Chair Dickson requested to strike any and all language in Condition of Approval No. 8 pertaining to "tables and chairs".

With regards to Condition of Approval No. 28, Commissioner Dickson wanted to ensure that no ancillary retail have free-standing neon signs in the area.

Commissioner McCarthy suggested possibly withdrawing Condition of Approval No. 10 since the applicant would not be pursuing off-site parking.

Ms. Flynn advised that if the Commission was concerned about the parking supply, they could request the applicant to adjust the mix (reduce the number of 2 bedrooms and increase the number of studios or 1 bedrooms) to reduce the parking demands.

Ms. Flynn stated the Transportation Division wanted to add the following two code requirements to the conditions of approval: 1) Comply with the Master Plan of Bikeways by construction of a joint-use sidewalk-bike trail on both Anton Blvd. and Avenue of the Arts. Since the removal of all parkway trees is proposed by the applicant, the sidewalk bike trail shall be located away from the curb to overlap with the parkway in a 20-foot landscape and pedestrian easement area; and 2) Show all designated visitor parking spaces on the plan. A 35'x10' turnaround area shall be provided within the visitor parking area to allow full motion for vehicles to exit when parking is fully occupied.

MOTION: Based on the evidence of the record, findings contained in Exhibit A and subject to the conditions of approval and mitigation measures (Mitigation Monitor Program) contained in Exhibits B and C, delete Condition of Approval No. 29 and add "land-use restriction be terminated and removed from the title prior to issuance of building permits"; strike Conditions of Approval Nos. 9 and 10; strike all reference to "tables and chairs" from Condition of Approval No. 8; add two conditions from the Transportation Division – 1) Comply with the Master Plan of Bikeways by construction of a joint-use sidewalk-bike trail on both Anton Blvd. and Avenue of the Arts. Since the removal of all parkway trees is proposed by the applicant, the sidewalk bike trail shall be located away from the curb to overlap with the parkway in a 20-foot landscape and pedestrian easement area; and 2) Show all designated visitor parking spaces on the plan. A 35'x10' turnaround area shall be provided within the visitor parking area to allow full motion for vehicles to exit when parking is fully occupied; approve addendum and final Master Plan PA-13-19. Moved by Vice-Chair Dickson, seconded by Commissioner McCarthy.


The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler
Noes: None
Absent: None
Abstained: None

Commissioner McCarthy made a request for staff to reach out to the Corner Office and convince them to stay in Costa Mesa or refer Corner Office staff to him.

The Chair explained the Appeal process.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, SEPTEMBER 23, 2013.

Submitted by: 

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION