

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

**January 13, 2014**

*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](http://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

Staff: Gary Armstrong, Economic & Development Services Director  
Jerry Guarracino, Interim Assistant Development Services Director  
Fariba Fazeli, City Engineer  
Mel Lee, Senior Planner  
Martha Rosales, Recording Secretary

**PUBLIC COMMENTS**

Beth Refakes, East Side resident, announced the Costa Mesa Historical Society's annual installation dinner on Friday, January 17, 2014 at the Captain's Table at Orange Coast College. More information could be obtained by calling the Costa Mesa Historical Association.

Barrie Fisher, Costa Mesa resident, attended the December 9, 2013 Planning Commission meeting to request assistance with overflow parking on Victoria and was told to contact to the Neighborhood Improvement Task Force (NITF). Ms. Fisher asked what Department was responsible for the NITF because she could not find it on the City's website. Chair Fitzpatrick said he would send Ms. Fisher an email. Vice-Chair Dickson asked staff to place the NITF on the City directory.

Georgett Quinn, resident and Manager of Greenleaf Mobile Home Park, spoke about the late night noise coming from G&W Towing. Greenleaf Mobile Home Park was a Senior Park and the noise is disturbing seniors in the middle of the night. Ms. Quinn urged the Commission to take action to bring a permanent solution to the long standing issue.

Dave McNeal, Greenleaf Mobile Home Park resident, was affected by the excessive and annoying late night noise from G&W Towing. Mr. Neal addressed numerous concerns and suggested that the next review of the conditional use permits for G&W be brought before the Commission so the concerns of the neighboring residents could be properly addressed.

## PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

In light of the complaints from Mr. Neal and Ms. Quinn, Vice-Chair Dickson made a request to agendize review of the conditional use permit for G&W and asked staff to bring forward the following: G&W's conditional use permit and review requirements and that the next review be at the level of the Planning Commission; a comprehensive report on noise monitoring and any correspondence to G&W. Chair Fitzpatrick requested clarification regarding obligation to enforce the noise ordinance and procedure as well as history of the conditional use permit, property rights of business to operate, and tenant rights.

Commissioner McCarthy addressed the importance of making the quiet enjoyment condition a standard condition of approval for future projects.

Commissioner Mathews requested a time-frame on the report and review for G&W. Interim Assistant Director Jerry Guarracino stated the information was available and would be brought forward at the January 27, 2014 Planning Commission meeting.

## CONSENT CALENDAR

Chair Fitzpatrick pulled Consent Calendar Item No. 2.

1. Minutes for the meeting of December 9, 2013

**MOTION: Approve the December 9, 2013 Minutes. Moved by Commissioner McCarthy, second 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

Chair Fitzpatrick spoke favorably of the Code Enforcement Update and requested an update regarding input from the City Attorney's Office for the item regarding 2280 Newport Blvd.

2. Code Enforcement Update

**MOTION: Approve the Code Enforcement Update. Moved by Chair Fitzpatrick, second 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

## PUBLIC HEARINGS

Chair Fitzpatrick announced the Commission would be discussing and voting on Public Hearings Nos. 1, 2 and 3 in one action.

Chair Fitzpatrick asked two things of staff – 1) include pictures of the conditions and 2) consideration for existing motel long-term stay residents.

1. **PLANNING APPLICATION PA-98-73; REVIEW OF PREVIOUSLY APPROVED CONDITIONAL USE PERMIT ALLOWING EXTENDED OCCUPANCY ROOMS AT THE COSTA MESA MOTOR INN LOCATED AT 2277 HARBOR BOULEVARD**
2. **PLANNING APPLICATION 99-09; REVIEW OF PREVIOUSLY APPROVED CONDITIONAL USE PERMIT ALLOWING EXTENDED OCCUPANCY ROOMS AT THE SANDPIPER MOTEL LOCATED AT 1967 & 1977 NEWPORT BOULEVARD**
3. **CODE AMENDMENT CO-13-03; AN AMENDMENT TO TITLE 13, CHAPTER 9, SECTIONS 13-173 & 175 OF THE COSTA MESA MUNICIPAL CODE RELATED TO MOTEL EXTENDED OCCUPANCIES**

**MOTION: Pull Public Hearing Items Nos. 1, 2 and 3 from the calendar and return as staff recommends. Moved by Chair Fitzpatrick, second 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

4. **Application No.** PA-05-40 and PA-91-82 (Revocation)  
**Applicant:** City of Costa Mesa  
**Site Address:** 3033 Bristol Street,, Suite G  
**Zone:** C1  
**Project Planner:** Mel Lee  
**Environmental Determination:** Exempt

**Description:**

The City is initiating a revocation of Conditional Use Permits PA-05-40 and PA-91-82 for Bristol Deli and Market, which included sales of alcoholic beverages under a Type 21 (Off-Sale General) State Alcoholic Beverage Control (ABC) License.

Senior Planner Mel Lee presented the staff report.

**PUBLIC COMMENTS**

Lynne Wiegenett, Costa Mesa resident, supported the revocation. She added there were 5 licenses in the area and revoking 1 would be good.

**MOTION: Based on the evidence of the record and the findings contained in Exhibit A, revoke PA-05-40 and PA-91-82 with respect to the property at**

**3033 Bristol, Suite G. Moved by Vice-Chair Dickson, second by Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

5. **Application No.** PA-13-08  
**Applicant:** Patrick Fiedler  
**Site Address:** 751 Baker Street, Unit  
**Zone:** C1  
**Project Planner:** Mel Lee  
**Environmental Determination:** Exempt

**Description:**

1. Conditional use permit for the sale of alcoholic beverages (beer, wine, distilled spirits) and motor vehicle fuel at an existing service station/convenience market with a State Alcoholic Beverage Control (ABC) License Type 21 (Off-Sale General). Current hours of operation are 24 hours, 7 days a week.
2. A finding of Public Convenience or Necessity (PC or N) in conjunction with a premise-to-premise transfer of an existing ABC License from within the City to allow the sales of alcoholic beverages at the proposed location.

Senior Planner Mel Lee presented the staff report.

**MOTION: Continue Application PA-13-08 to the January 27, 2014 Planning Commission meeting. Moved by Chair Fitzpatrick, second Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

6. **Application No.:** PA-13-15  
**Applicant:** Nick Garcia  
**Site Address:** 582 W. 19<sup>th</sup> Street  
**Zone:** C1  
**Project Planner:** Jerry Guarracino  
**Environmental Determination:** Exempt

**Description:**

A planning application to construct a Chase Bank automated teller machine (ATM) kiosk in two existing parking spaces. The project will require:

1. Variance from front building and landscape setback requirements (20-foot front setback required; 6-foot setback with a total of 187 square feet of new

landscaping proposed) in conjunction with the installation of a 99 square foot automated teller machine kiosk.

Deviation from shared parking requirements due to the elimination of two on-site parking spaces to accommodate the kiosk.

Interim Assistant Director Jerry Guarracino summarized the staff report.

## **PUBLIC COMMENTS**

Kent McNaughton, owner of property, was in agreement with the conditions of approval. Chair Fitzpatrick asked the applicant and staff to work together and make a good faith effort to include tree wells and obtain additional greenery. Mr. McNaughton was in agreement to work with staff in good faith and provide other feasible options as long as it was not a condition of approval.

Babak Sabah, Costa Mesa resident, spoke about a community safety issue in the College Park neighborhood. Chair Fitzpatrick advised Mr. Sabah to keep his comments brief as they were off-topic.

**MOTION: Based on the evidence of the record and the findings contained in Exhibit A and subject to the condition of approval contained within Exhibit B, approve PA-13-15 for a variance from the required front setback for a bank ATM kiosk and landscape planter to be constructed within two (2) existing parking spaces and recommend approval of a Notice of Exemption. Moved by Vice-Chair Dickson, second by Commissioner McCarthy.**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

**STAFF COMMENTS - None**

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, JANUARY 27, 2014.**

Submitted by:

  
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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION