

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

January 27, 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 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
Mino Ashabi, Principal Planner
Mel Lee, Senior Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Dana Lavin, Costa Mesa resident, addressed concerns and issues with sober living homes. She said the sober home issues needed to be processed better than the nuisance ordinance and suggested the creation of a task force made up of residents who could make findings and present those findings to the appropriate committees.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy thanked the Commissioners for their work with the Mesa Verde Classic and spoke about the phenomenal transformations that Costa Mesa's shopping destinations (The Triangle and SOCO) have had attracting families and consumers.

Commissioner Sesler gave an update regarding the 311 Application and referred residents to the City's website for filing complaints in the interim.

Vice-Chair Dickson spoke briefly about the Mesa Verde Classic. He also announced a Special Council-Planning Commission Study Session on January 28th at 4:30 p.m. in the Emergency Operations Center and encouraged residents to attend and voice their opinions as it pertained to land use alternatives and revitalizing certain parts of Costa Mesa.

Chair Fitzpatrick spoke about complaints and reported that only written formal complaints become part of a property's formal and historical record. He had staff

display the email address (planningcommission@costamesaca.gov) and phone number (714-754-5245) where residents could contact the Commissioners to make a statement as part of a formal record. Chair Fitzpatrick asked Commission Sesler to follow up and confirm that once the 311 application was up and running, inquiries to the 311 system would become part of a formal record. Chair Fitzpatrick, in response to Ms. Lavin's concerns, gave an update on the complexities of sober living homes that the City was not taking lightly.

CONSENT CALENDAR

1. Minutes for the meeting of January 13, 2014

MOTION: Approve the January 13, 2014 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

PUBLIC HEARINGS

1. **Application No.** PA-13-08
Applicant: Patrick Fiedler
Site Address: 751 Baker Street, Unit A
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 and mentioned the applicant was concerned with Condition of Approval No. 11 – requirement of a roving security patrol.

PUBLIC COMMENTS

Ken Barton from the Fiedler Group was representing Thrifty, the property owner. Mr. Barton stated they were seeking a conditional use permit to allow for the transfer of the license as well as a public convenience or necessity finding. Per staff's recommendation, one license was being transferred from one location to another less than 600 feet from an existing store. Mr. Barton added they had

reviewed the conditions of approval and were in agreement with them with the exception of Condition of Approval No. 11.

Bruce Evans, ABC Legal Consultant, provided background information and gave a slide presentation that highlighted the surveillance monitoring system used by Thrifty in their 47 locations. In lieu of the roving security patrol, Mr. Evans proposed amending Condition of Approval No. 11 to state “applicant to provide a contract to the satisfaction of the Development Services Department indicating the private security company hired to respond to the site if needed”. Another alternative was giving the business the opportunity to prove it could operate under the proposed conditions by adding a 1-year review into the conditional use permit, the cost of which the applicant would incur. Mr. Evans requested additional time to work with staff if the Commission imposed the roving security patrol requirement.

Fred Kim, Thrifty site operator, gave a brief history of their business. If given the chance they would prove to the Commission their ability to run a clean and safe business environment.

The applicant requested that the item be continued to allow them time to consider their options and propose a preferred solution to the Commission.

MOTION: Continue PA-13-08 to the Planning Commission meeting of February 24, 2014; staff to work with the applicant to develop a compromise on how to successfully operate the business. Moved by Vice-Chair Dickson, second by Chair Fitzpatrick.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, Dickson, McCarthy, Mathews, Sesler

Noes: None

Absent: None

Abstained: None

2. **Application No.** CO-13-04
Site Address: Citywide
Zone: City of Costa Mesa
Project Planner: Minoo Ashabi
Environmental Determination: Exempt

Description:

Code Amendment CO-13-04 to amend the Zoning Code for new regulations related to small lot subdivisions. Amendments are proposed, but not limited to, the following Code Sections in Title 13 (Zoning Code) of the Costa Mesa Municipal Code:

- Chapter I – Add new definitions related to small lot subdivisions;
- Chapter IV, Table 13-30 (Land Use Matrix) – Allowing small lot subdivisions of up to 15 dwelling units in multiple family residential zones; and,
- Chapter V, Article 2.5 – add new development standards for small lot subdivisions.

Environmental Determination: Exempt.

Principal Planner Mino Ashabi summarized the staff report pertaining to the small lot subdivision ordinance.

The Commission discussed 10-foot setbacks at great length. Commissioner McCarthy stated the advantage of the Small Lot Subdivision Ordinance was to allow flexibility in the standards and obtain good products.

MOTION: Based on the evidence of the record that the Planning Commission recommend to the City Council approval of Code Amendment CO-13-04 (Small Lot Ordinance) based on discussed setback revisions (setbacks shall be 10-foot standard; staff will have the ability to lower the setback to 5-foot based on the location and site-specific circumstances without the need for a variance). 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

Ms. Ashabi said the matter would be set for the March 4, 2014 Council Meeting.

STAFF COMMENTS

City Engineer Fariba Fazeli announced a neighborhood meeting on Wednesday, January 29th at Kaiser Elementary from 6-7:30 p.m. to discuss the East 19th Street traffic project. Ms. Fazeli also reported that construction work was scheduled to begin in March on 17th Street between Tustin and Irvine due to widening and raising of the median.

Interim Assistant Director Jerry Guarracino announced the Joint Council-Planning Commission Study Session scheduled for Tuesday, January 28th at 4:30 p.m. in the Emergency Operations Center (EOC) regarding land use alternatives.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, FEBRUARY 10, 2014.

Submitted by:



CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION