

REGULAR MEETING OF THE CITY OF COSTA MESA PLANNING COMMISSION

February 10, 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 Sesler led in the Pledge of Allegiance.

ROLL CALL:

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

Absent: Vice-Chair Robert Dickson

Staff: Gary Armstrong, Economic & Development Services Director
Jerry Guarracino, Interim Assistant Development Services Director
Fariba Fazeli, City Engineer
Mino Ashabi, Principal Planner
Antonio Gardea, Senior Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

Jeff McConville, Costa Mesa resident, spoke about setting precedence and addressed quality of life issues and concerns with overflow parking regarding the Wild Goose expansion project.

Betsy Flynn, Costa Mesa resident, considered 17th Street a "war zone". Ms. Flynn spoke in opposition of the Wild Goose expansion. Chair Fitzpatrick invited Ms. Flynn to present her concerns when he opened the public comments session for Public Hearing No. 2.

Lisa Morlan, Costa Mesa resident, presented questions/concerns regarding Group Homes (licensed, unlicensed, number of nuisance citations issued since the adoption of the Nuisance Abatement Ordinance, etc).

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Sesler provided an update regarding the Oversight Pension Committee and referred the public to the City's website for more information.

Commissioner McCarthy congratulated the Costa Mesa High Cheer Program for being recognized as 4th in the nation.

Chair Fitzpatrick followed up with Ms. Morlan's concerns and provided answers to her questions regarding Group Homes. Chair Fitzpatrick announced the Mayor was forming a Task Force and that he would be recommending that Mr. and Mrs. Morland be members of the Task Force.

CONSENT CALENDAR

1. Minutes for the meeting of January 27, 2014.
2. Code Enforcement Update

MOTION: Approve the January 27, 2014 Minutes and Code Enforcement Update. Moved by Commissioner McCarthy, second by Chair Fitzpatrick.

The motion carried by the following roll call vote:

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

PUBLIC HEARINGS

1. **Application No.:** BC13-00844 (Appeal)
Applicant: David Maffei
Appellant: M. York on behalf of G. Youssef
Site Address: 3384 Wimbledon Way
Zone: PDR-MD
Project Planner: Antonio Gardea
Environmental Determination: Exempt

Description:

Appeal of the Planning Division's Zoning Approval to construct additions that meet Residential Design Guidelines to the first and second story of an existing two-story residence. The residence is 2,424 square feet in area. The proposed addition consists of 739 square feet of living area to the first floor and 966 square feet of living area to the second floor for a total area of 1,705 square feet. The resulting home size will be 4,129 square feet.

Commissioner Sesler recused himself and left the Council Chambers because he lived in the same homeowner's association and there was a common interest area within 500 feet of 3384 Wimbledon Way.

Senior Planner Antonio Gardea summarized the staff report for the Zoning Appeal and added that supplemental items as well as informational items from the Appellant's representative had been received.

PUBLIC COMMENTS

Craig Holiday, 3384 Wimbledon Way homeowner, presented his case in response to the Appellant's privacy issues. Mr. Holiday described the proximity of the neighbor's two story house to the rear property line and how the neighbor's

house has direct views into his back yard. He stated that after the appeal was filed he has tried to work with Mr. Youssef and Mr. Youssef's son to resolve the issues including planting trees to address the privacy issues but could not get any dialogue going. He reiterated that he did not understand Mr. Youssef's privacy concerns.

Mr. Holiday stated that he tried to talk to Ms. Young to discuss the plans. He noted the tall sill heights of the windows facing the north and that the glass is opaque to address privacy issues. He mentioned his willingness to modify the second story plans to address the privacy concerns.

Michael York, attorney representing George and Sylvia Youssef and Marcia Young, addressed the continuance, noticing issues and the Planning Division's failure to notify him of the meeting date despite his request to be notified. Mr. York proceeded to present his case.

George Youssef, 1133 Deborah Drive, thanked the Commission for allowing them to express their concerns. Mr. Youssef addressed the privacy impacts that the additions would have on his property.

Marcia Young, 3388 Wimbledon Way, agreed with the statements made by her attorney, Mr. York and protested the approval for the first and second story additions to the residents at 3384 Wimbledon Way.

Silvia Youssef, 1133 Deborah Drive, was opposed to the additions because they would invade her privacy and felt the Homeowner's Association should be protecting residents against additions of this magnitude.

Mr. Holiday presented a satellite picture and rebuttal arguments. .

MOTION: Deny the Appeal and adopt the resolution upholding the Planning Division's Zoning Approval of said matter to allow construction of first and second story additions to the existing 2-story residence subject to the conditions of approval. Moved by Commissioner Mathews, second by Commissioner McCarthy.

The motion carried by the following roll call vote:

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

Chair Fitzpatrick encouraged the applicant to incorporate landscaping to increase privacy at the rear of the lot. The Planning Commission's decision is appealable.

Commissioner Sesler returned to the Council Chambers.

2. **Application No.:** PA-13-10
Applicant: Sheldon Group
Site Address: 430 and 436 East 17th Street
Zone: C1

Project Planner: Mel Lee
**Environmental
Determination:** Exempt

Description:

1. Conditional use permit to expand an existing bar/restaurant (Wild Goose) from 1,517 square feet to 5,228 square feet and demolishing existing buildings containing a dry cleaner, a dog groomer use, and a tailor shop boutique (approximately 5,380 square feet) as part of a new two-story, 8,770 square foot multi-tenant retail/office building.
2. Minor conditional use permit to allow the outdoor seating area for the bar/restaurant to expand within the required front landscape setback (20 feet required; 7 feet proposed).
3. Minor conditional use permit for shared driveway access with 440 East 17th Street.
4. Minor Conditional Use Permit to deviate from shared parking requirements based on unique operating characteristics (78 spaces required; 50 spaces proposed).
5. Minor Conditional Use Permit to allow additional compact parking spaces (7 maximum compact spaces allowed; 10 compact spaces proposed).

Chair Fitzpatrick announced that Public Hearing No. 2 was being continued and opened the public comments session to allow the public's concerns to be heard.

PUBLIC COMMENTS

Harold Weitzberg, Costa Mesa resident, spoke in opposition of the expansion due to the parking challenges on 17th St. and the size of the expansion.

Jay Humphrey, Costa Mesa resident, stated the expansion would impact the parking for the surrounding businesses and force their customers to park farther away.

Katie Arthur, East Side Costa Mesa resident, was happy with the Wild Goose establishment but felt many neighbors were concerned with the size of the expansion.

Susan Calabretta, Cabrillo Street resident, stated the evening traffic and noise impacted the surrounding businesses and added that the extent of the proposed expansion was out of line with the character of 17th Street.

John Hanley, Cabrillo Street resident, has been awakened by the noise of motorcycles at 2 a.m. and his 92-year-old neighbor's fence has been crashed into by wrong-way drunk drivers. He added that expanding the Wild Good and increasing the number of customers would be very detrimental to the neighborhood.

Lucy McKnight, Cabrillo Street resident, asked what "C1" stood for and if there were restrictions. She addressed concerns with the proposed expansion and parking.

Mario Marovich, Applicant, was willing to cooperate with the Commission if the matter was continued to a date-specific meeting.

MOTION: Continue PA-13-10 for expansion of an existing bar/restaurant at the Wild Goose, 430 and 436 E. 17th Street to the Planning Commission meeting of March 10, 2014 and the application be renoticed by staff. Moved by Commissioner McCarthy, second by Chair Fitzpatrick.

The motion carried by the following roll call vote:

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

3. **Application No.:** PA-13-21/ T-17658
Applicant: Kim Prijatel, City Ventures
Site Address: 2023, 2025, and 2027 Placentia Avenue
Zone: MG
Project Planner: Mino Ashabi
Environmental Determination: Exempt

Description: The project involves the following:

1. Adoption of an Initial Study/Mitigated Negative Declaration;
2. Planning Application 13-21 Urban Master Plan for development of a 36-unit live/work project at the site of existing boat storage and repair uses within the Mesa West Bluffs Urban Plan area. The Project consists of the development of 36 units (30 lofts and live/work units and six residential units) with a Floor Area Ratio (FAR) of 0.92. The proposal includes attached two-story and three-story townhome-style units and a three-story attached six-unit building facing Placentia Avenue. A total of 69 garage parking spaces and 39 open parking spaces are proposed (three spaces per unit). The project requests approval of the following deviations:
 - Live/work standards - Deviation to allow development of six residential units with no workspace;
 - Workspace minimum size standards - Deviation from minimum size requirement for 24 units (250 SF required: 118 SF proposed for 24 units); and,
 - Rear Setback – Deviation from required setback abutting residential zone to allow a 10-foot setback for first floors (20 feet required).
3. Tentative Tract Map 17658 – Subdivision of a 1.88-acre property for condominium purposes to allow private sale and ownership of the 36 live/work and residential units.

Principal Planner Mino Ashabi presented the staff report. She advised a Mitigated Negative Declaration had been prepared for the project and comments received were included in the staff report. Five letters were received during the Public Review period and two additional comments were received from the property owner to the south and west of the site.

Kim Prijatel from City Ventures stated she had reviewed the conditions of approval and was in agreement with them. Ms. Prijatel gave an introduction regarding City Ventures and responded to questions from the Commission.

PUBLIC COMMENTS

Mitch Ashwill, Ashwill Investments (owners of the industrial properties to the north and south of the proposed site), supported the project overall and addressed multiple concerns that he had discussed with staff. Mr. Ashwill felt that if the Commission approved the project as proposed they would be creating a problem, which currently did not exist, within the shared drive aisle.

Kevin Whalen, Federal Avenue resident, was against the proposed project and suggesting having a traffic light on Placentia for the increased traffic during rush hours.

MOTION: Approve PA-13-21, TT-17658 and Mitigated Negative Declaration for 36 live/work and residential units at 2023, 2025, and 2027 Placentia Avenue based on the findings in Exhibit A and subject to the Conditions of Approval in Exhibit B and inclusion of the following conditions: removal of landscape in the common easement; the addition of rear landscaping on the two-story units and removal of the interior wall of the live-work units. Moved by Chair Fitzpatrick, second by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, McCarthy, Mathews, Sesler

Noes: None

Absent: Dickson

Abstained: None

The Chair explained the appeal process.

4. **Application No.:** PA-13-38
Applicant: Juanita Fotheringham
Site Address: 3315 Hyland Avenue, Suite #H
Zone: PDI
Project Planner: Antonio Gardea
Environmental Determination: Exempt

Description:

1. A Conditional Use Permit for the sale of alcoholic beverages (wine only) under a State Alcoholic Beverage Control (ABC) License Type 20 (Off-Sale beer and wine) and Type 42 (On-Sale beer and wine) in conjunction with the establishment of a wine boutique and school (Neptune School of Wine).
2. A finding of Public Convenience or Necessity (PC or N) in conjunction with a premise-to-premise transfer of an existing Type 42 ABC License from outside the City to allow on-premise sales of alcoholic beverages at the proposed location.
3. A Minor Conditional Use Permit to establish a trade/vocational school for wine tasting/education (Neptune School of Wine).

Senior Planner Antonio Gardea presented the staff report and supplemental Memorandum.

Juanita Fotheringham, applicant representing the Neptune School of Wine, stated the owner, Nancy Milbey, had reviewed the Conditions of Approval and was ready to move forward. Mr. Fotheringham provided a background regarding the Neptune School of Wine and responded to questions from the Commission.

Chair Fitzpatrick stated the applicant's intent was to provide high-end wines and educate those that would be selecting wines for customers going into restaurants all over Southern California.

PUBLIC COMMENTS – there were no public comments.

MOTION: Approve PA-13-38 for a conditional use permit for the sale of alcoholic beverages under a State Alcoholic Beverage Control ABC License Type 20 in conjunction with a proposed wine boutique and Type 42 on-sale beer and wine in conjunction with proposed wine tasting; a finding of Public Convenience and Necessity in conjunction with a premise-to-premise transfer of an existing ABC Type 20 License and a new ABC Type 42 License to allow wine tasting at the proposed location; and a minor conditional use permit to establish a trade/vocational school for wine – the Neptune School of Wine located at 3315 Hyland Avenue, Suite #H based on the evidence in the record, findings in Exhibit A and Conditions of Approval in Exhibit B with a comment. Moved by Commissioner McCarthy, second by Chair Fitzpatrick.

Commissioner McCarthy made the comment that not all alcohol approved by the Commission was for 7-11's and liquor stores. He mentioned the craft beer scene was coming to Costa Mesa and he was excited to support the application.

Senior Planner Gardea clarified the premise-to-premise transfer was for the Type 20 License.

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

5. **Application No.:** PA-13-39
Applicant: Gabrielle Dion
Site Address: 3313 Hyland Avenue, Suite #A6
Zone: PDI
Project Planner: Antonio Gardea
Environmental Determination: Exempt

Description:

Conditional use permit for the sale of alcoholic beverages (distilled spirits only) under a State Alcoholic Beverage Control (ABC) License Type 21 (Off-Sale General) in conjunction with the sale of glassware and bar accessories at an existing retail store (The Mixing Glass).

Senior Planner Antonio Gardea presented the staff report and requested the Commission’s approval.

Gabrielle Dion, owner of the Mixing Glass, stated she was in approval with all of the Conditions of Approval and gave an overview of her business.

PUBLIC COMMENTS

Michael Cho, with Palmieri Tyler and representing the property owner Bernam USA, thanked the Commission for considering the different licenses coming to the SOCO area and was glad they could count on the Commission’s approval.

MOTION: Approve PA-13-39 for approval of a conditional use permit to allow the sale of alcoholic beverages under State Alcoholic Beverage Control ABC Type 21 License (Off-Sale General) in conjunction with the sale of glassware and bar accessories for an existing retail store at 3313 Hyland Avenue, Suite #A6 & A13, The Mixing Glass based on the evidence in the record, the findings set forth in Exhibit B. Moved by Commissioner McCarthy, second by Chair Fitzpatrick.

The motion carried by the following roll call vote:
Ayes: Fitzpatrick, McCarthy, Mathews, Sesler
Noes: None
Absent: Dickson
Abstained: None

The Chair explained the appeal process.

NEW BUSINESS

1. Report on G & W Towing CUP status and recent noise complaint.

Interim Assistant Director Jerry Guarracino summarized the staff report regarding the Commission’s request to follow-up with noise complaints from residents for G & W Towing.

PUBLIC COMMENTS

Dave McNeal, Whittier Avenue resident, thanked the Planning Commission, staff from Development Services, the City Attorney’s office and G & W Towing for their willingness to meet and work towards changes that would reduce or eliminate the noise problems. Mr. McNeal had noticed a difference in the night-time and early morning noise from the G & W yard and was hopeful that a permanent solution would be obtained. He requested the Planning Commission reserve the ability to call up G & W’s condition use permit for review before the Planning Commission if the efforts at the staff level were unable to meet a permanent solution.

MOTION: To receive and file the report on G & W Towing's condition use permit status and recent noise complaints regarding an existing towing business located at 965 W. 18th Street. Moved by Commissioner McCarthy, second by Chair Fitzpatrick with comment.

Chair Fitzpatrick emphasized the importance of listening to all parties and balancing everyone's rights. He thanked staff for the time invested on the matter.

The motion carried by the following roll call vote:

Ayes: Fitzpatrick, McCarthy, Mathews, Sesler

Noes: None

Absent: Dickson

Abstained: None

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, FEBRUARY 24, 2014.

Submitted by:



CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION