

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

March 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.

Vice-Chair Dickson 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: Jerry Guarracino, Interim Assistant Development Services Director
Raja Sethuraman, Transportation Manager
Mel Lee, Senior Planner
Chelsea Crager, Assistant Planner
Martha Rosales, Recording Secretary

PUBLIC COMMENTS

John Hawley, Costa Mesa resident, addressed concerns with the proposed General Plan modifications to the existing West Bluffs Plan. Mr. Holly offered staff a tour of the West Side business community to familiarize everyone with the area before forming opinions.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Sesler announced volunteers were needed the various City committees. He referred interested volunteers to the City's website and said March 17, 2014 was the deadline.

Vice-Chair Dickson thanked Mr. Holly for his comments regarding compatibility and overlay zones in the West Side. He added that anyone working on the General Plan needed to be familiar with what was happening on the West Side.

Commissioner McCarthy suggested agendizing the Urban Plans to determine if the criteria established a decade ago regarding overlay zones, density bonuses, etc. still applied today. He was disappointed to see staff spending significant time working on an appeal of an already approved 2-story residential project that had been approved and met the required design residential guidelines. He requested staff survey surrounding cities to see if they had examples of how they handled appeals that met the strict intent and letter of the law. He reported that Little League Opening Day was a success.

Chair Fitzpatrick inquired about the General Plan and said he would go on a tour of the West Side. He sided with Commissioner McCarthy regarding the 2-story residential project that had been appealed twice and spoke about the 2013 and 2014 Planning Commission Goals. Interim Assistant Director Jerry Guarracino stated staff was bringing forward a report at the March 24, 2014 Planning Commission meeting that summarized the 2013 Planning Commissions Goals.

CONSENT CALENDAR:

1. Minutes for the meeting of February 24, 2014
2. Code Enforcement Update

MOTION: Approve Consent Calendar Items No. 1 and 2. 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 announced the Commission was going to hear Public Hearing No. 3 (PA-13-10) first since it was being continued to the March 24, 2014 Planning Commission meeting.

PUBLIC HEARINGS:

3. **Application No.:** PA-13-10
Applicant: Sheldon Group
Site Address: 430 and 435 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 5,185 square feet as part of a new two-story, 8,720 square foot multi-tenant retail/office building.
2. Conditional use permit to provide 15 valet parking spaces in the evenings Friday through Sunday.
3. Minor conditional use permit to allow an expanded outdoor seating area for the bar/restaurant to encroach within the required front landscape setback (20 feet required; 7 feet proposed).
4. Minor conditional use permit for shared driveway access with 440 East 17th Street.
5. A request to deviate from shared parking requirements based on unique operating characteristics (72 spaces required; 50 spaces proposed).
6. A request to deviate from the number of on-site compact parking spaces (7 maximum compact spaces allowed, 10 compact spaces proposed).

MOTION: Continue PA-13-10 to the March 24, 2014 Planning Commission meeting. 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

1. **Application No.:** PA-13-34, TTM 17663
Applicant: Ray Dorame
Site Address: 2183, 2187 and 2191 Miner Street

Zone: R2-MD
Project Planner: Chelsea Crager
Environmental Determination: Exempt

Description:

The proposed project involves:

- 1) Design review to construct a 6-unit, two-story detached residential common interest development including the following:
 - a) Variance from common lot requirement;
 - b) Administrative Adjustment to reduce the second floor rear yard setback (20 feet required, 12 feet proposed);
 - c) Administrative Adjustment to reduce the front yard setback (20 feet required, 13 feet proposed);
 - d) Administrative Adjustment to reduce distance between buildings (10 feet required, 8 feet proposed); and,
 - e) Minor Modification to reduce required front yard landscape setback (10 feet required; 9 feet proposed).

- 2) ***Tentative Tract Map No. 17663*** to subdivide a 0.5-acre parcel for a residential common interest development.

Chelsea Crager, Assistant Planner, presented the staff report.

The Commission requested clarification regarding the size of parking garages on Condition of Approval No. 13. D and density concerns (16 units to the north and 19 to the west) given this was an R2-MD zoned project

PUBLIC COMMENTS

Ray Dorame, applicant, reviewed the conditions of approval, was in agreement with them and gave a brief synopsis of past projects. Mr. Dorame advised that a meeting with the Homeowner's Association for the property to the rear of the site was pending to discuss the construction of a block wall between the two properties. He did not think the project would create parking issues because of the on-site parking and they were anxious to get started.

Chuck Perry, Costa Mesa resident, thought the current condition of the project was a mess. He encouraged everyone to move forward with projects like this for the West Side.

Dyson Worth, Miner Street property owner, voiced his approval for the project and asked if something could be done about the parking problems.

The Commission applauded the Applicant for bringing forward a fantastic project to the area and enthusiastically supported the project.

Vice-Chair Dickson supported the project. He asked Transportation Manager Raja Sethuraman questions regarding parking, reiterated to staff to look into permit parking for the area as a possible solution to the parking issues and suggested amending the language in Condition of Approval 13. D.

Commissioner McCarthy stated if the 2nd reading of the Small Lot Ordinance was approved, there would only be one deviation to the application and everything else would be standard approval.

Chair Fitzpatrick asked if relief was available to address Mr. Worth's concerns. Commissioner Sesler said Code Enforcement could do mini-sweeps.

MOTION: Based on the evidence of the record, the findings contained in Exhibit A subject to the Conditionals of Approval contained within Exhibit B and a minor modification to Condition 13D so that it reads "The CC&Rs shall contain restrictions requiring residents to park vehicles in garage spaces provided for each unit.", exempt the project from the provisions of the California Environmental Quality Act Section 15332 for in-fill development projects and approve PA-13-34, TTM 17663. 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.

2. **Application No.:** PA-87-154 (6-Month Review)
Applicant: Brian Jackson
Site Address: 2180 Newport Boulevard
Zone: C1
Project Planner: Mel Lee
Environmental Determination: Exempt

Description:

Six-month review of conditional use permit for an existing neighborhood recycling facility (RePlanet, formerly EarthWize) within the Stater Bros. Market parking lot for possible modification or revocation of the conditional use permit for the recycling facility.

Mel Lee, Senior Planner summarized the staff report (6-month review).

Mr. Lee responded to questions from the Commission regarding the use of synthetic plants for screening purposes in lieu of live plants; alternatives for RePlanet and Stater Bros.; proposed conceptual landscaping.

PUBLIC COMMENTS

Joe Perez, applicant, stated they were in agreement with the Conditions of Approval and were looking forward to moving forward with the plan laid out by Stater Bros. and RePlanet. He clarified the convenience zone has a half-mile radius designation and Stater Bros. had the option to petition for an exemption; however, since they processed more than 96,000 containers per month the State might not grant the exemption. Mr. Perez stated there was no other recycling center like theirs in the City of Costa Mesa or outside of the half mile radius. Mr. Perez responded to questions from the Commission regarding complaints received, screening and transportation issues.

Chuck Perry, Costa Mesa resident, said the recycling center was horrible and wanted to know what happened to the unknown liquid that went to the ground. Did it go into the storm drains?

Richard Newhouse, RePlanet customer, spoke in support of the recycling center. He said this was one of the best recycling centers he has seen, staff provided buckets for customers to use so the liquid did not land on the ground and it is located in a convenient location.

Todd Russel, West Side resident, was a RePlanet customer. He supported the recycling center and said RePlanet has cut back their hours of operation and felt that Stater Bros. and the community benefitted from having the recycling center.

DeAnne Hemmens, Rural Lane resident, appreciated the opinions of the speakers who use the recycling facility but said they did not know what the surrounding residents have had to deal with on a day in and day out basis because they did not live there. She felt that as a growing business, RePlanet had the right to be in a location where they did not have to cut back their hours. Ms. Hemmens addressed her ongoing concerns with noise (rattling her windows), traffic, trash, loitering, drug deals, transients, etc. impeding on their peace. She mentioned she has submitted pictures and emails to staff over the past year and said Stater Bros. was losing customers because they were afraid to shop there. Ms. Hemmens submitted a list containing the signatures of 30 residents on Rural Lane who agreed with her opinions. She asked the Commission to revoke RePlanet's conditional use permit.

Christy Turley, Rural Lane resident, wanted everyone to know that she was not against recycling. She showed a video that she took from 95-feet from her home of a container being exchanged that morning (3/10/14) at 9:30 a.m. She wished a wall could be built to help offset the noise from the recycling facility.

Dale Rarick, Costa Mesa resident, was a caregiver and who has recycled for the past 45 years to supplement his income. He spoke of moves the recycling facility has been through (4-feet way from the residents, to the middle of the parking lot, to where it's currently located) and was in support of keeping the recycling facility.

Bill Wall, Stater Bros. Store Manager, spoke of the landscaping plan that had been accepted. He reported that 3 of the homeless people were no longer allowed in the store or on the property and that in some instances the police department cited the individuals but the police department could not respond every time. Mr. Wall spoke of the changes that had been done since the October 2013 Planning Commission meeting to help alleviate neighbor's concerns (relocation of employee parking, enforce parking of delivery trucks, policing the parking lot for loitering and trash, etc.)

Joe Perez, applicant, added they had submitted a petition signed by over 200 registered voters wanting to keep the recycling facility opened. Commissioner Sesler asked if the caption at the top of the petition was there when the voters signed it because at their pre-meeting it was mentioned that when the petition was originally submitted it did not have the caption at the top and when it was later submitted it did have the caption. Commissioner Sesler added there was a question of whether or not the caption was at the top of the petition and if the voters knew what they were signing. Mr. Perez said the petition did have the caption at the top and people were told they had to be registered voters to sign it.

Commissioner Mathews inquired about the number of supermarkets in Costa Mesa that had recycling facilities and how many paid the fine, the possibility of guidelines or an ordinance for recycling facilities, hiring a security guard, enforcing truck arrival time periods, frequent sweeps by Stater Bros. or closure of the recycling facility.

Commissioner McCarthy had a short patience span for businesses that did not operate with the expectations of the residential community. There were many unhappy residents

and he did not think they should be listening to the noise. He felt that negotiations for finding a new location needed to begin and would support findings for a revocation.

Chair Fitzpatrick stated the obligation of providing recycling centers was on the retailer who created that convenience and not the City. He told staff it might be beneficial to invite O.C.C. because they were in the process of making significant changes to their facility.

Vice-Chair Dickson stated the use and location has been an ongoing problem for the recycling facility. Despite the operator working hard to comply, he would not be supporting moving forward with the recycling facility based on the number of documented complaints since the November Planning Commission meeting and the conditional use permit not being complied with.

MOTION: City staff move forward with a two-prong approach regarding PA-87-154 – 1) investigate and bring back to the Commission evidence or basis for revocation of the conditional use permit and explore declaring the use to be a public nuisance under the new Municipal Code sections permitting the City to pursue nuisance abatement processes against RePlanet and 2) Staff to sit down with RePlanet and look at other options for their business location. 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

NEW BUSINESS

1. Design Award Nomination

Chair Fitzpatrick summarized the staff report regarding the nomination of Code Enforcement Office Mike Brumbaugh for a Design Award for his work and desired outcome on the Mission/Mendoza area.

MOTION: Nominate Mike Brumbaugh and Team for the Planning Commission Design Award. Moved by Commissioner McCarthy, second by Commissioner Mathews.

The motion carried by the following roll call vote:

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

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

Submitted by:



CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION