

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

**April 28, 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.*

City Attorney Yolanda Summerhill 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 and Development Services Director  
Jerry Guarracino, Interim Assistant Development Services Director  
Yolanda Summerhill, Planning Commission Counsel  
Fariba Fazeli, City Engineer  
Mino Ashabi, Principal Planner  
Antonio Gardea, Senior Planner  
Chelsea Crager, Assistant Planner  
Martha Rosales, Recording Secretary

**PUBLIC COMMENTS - None**

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Sesler referred the public to the City's website and invited them to view the list of capital improvement projects in the Public Services Report to see where taxpayers' money was being spent.

Vice-Chair Dickson gave the website address and phone number for the Planning Commission and encouraged the public to contact them with any concerns or questions.

Chair Fitzpatrick reminded the Commissioners to submit their Planning Commission Goals for 2014-2015 to Interim Assistant Development Services Director Jerry Guarracino.

**CONSENT CALENDAR:**

1. Minutes for the meeting of April 14 , 2014

**MOTION: Approve the April 14, 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:

Chair Fitzpatrick announced there was a request to move Public Hearing No. 3 - DA-14-01 (DA-00-02) to the top of the Agenda.

3.     **Application No.:**     DA-14-01 (DA-00-02)  
       **Applicant:**         Justin McCusker / South Coast Plaza  
       **Site Address:**     3400 and 3420 Bristol Street  
       **Zone:**                TC  
       **Project Planner:**   Minoo Ashabi  
       **Environmental**  
       **Determination:**     Not a Project

### **Description:**

Annual review of Development Agreement DA-00-02. The agreement was executed in 2000 and amended on September 15, 2003 with South Coast Plaza Town Center Preliminary Master Plan (PA-03-16) that allowed development of a 200-room hotel at the northeast corner of Bristol Street and Town Center Drive; one 21-story, 336,025 square-foot office building at the southeast corner of Bristol Street and Sunflower Avenue; and demolition of the two cinemas.

Vice-Chair Dickson recused due to his former relationship with the applicant.

Minoo Ashabi, Principal Planner presented the staff report regarding a routine review of a Development Agreement for a sub-area of Town Center and requested that future annual reviews of the Development Agreement be delegated to the Development Services Director.

## PUBLIC COMMENTS

Justin McCusker, South Coast Plaza applicant, had reviewed the report and was in agreement with its findings. They were excited about bringing forward a great project across the street from South Coast Plaza in the next 5 years or so.

**MOTION: Based on the evidence of the record, determine that South Coast Plaza has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-02 by minute order; and delegate future annual reviews of the Development Agreement to the Development Services Director. Moved by Commissioner McCarthy, second Commissioner Mathews.**

The motion carried by the following roll call vote:

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

Vice-Chair Dickson returned to Council Chambers.

1.     **Application No.:**     PA-14-03  
       **Applicant:**         Sheldon Group  
       **Site Address:**     1824 Newport Boulevard  
       **Zone:**                C2  
       **Project Planner:**   Chelsea Crager  
       **Environmental**  
       **Determination:**     Exempt - per Section 15301 Existing Facilities



**Description:**

Conditional Use Permit to provide live entertainment (3-piece band) in conjunction with an existing bar (The Boulevard). The hours of operation are 3pm to 2am daily, which will remain unchanged.

Chelsea Crager, Assistant Planner, summarized the staff report requesting a Conditional Use Permit to provide live entertainment in the form of an amplified 3-piece band in conjunction with The Boulevard Bar (legal, non-conforming use).

The Commission discussed intensity and parking issues, consideration of modifying the language in Condition of Approval No. 5 to address future parking issues, calls on the Calls of Service Report and adding standard conditional use permit language to the conditions of approval.

**PUBLIC COMMENTS**

Steve Sheldon, speaking on behalf of the owner, stated they had read the Conditions of Approval and were in agreement with them. Mr. Sheldon gave a brief overview of the history of The Boulevard Bar and the major upgrades to it. The owner hoped the addition of a 3-piece band would add a nice ambiance to the business.

Beth Refakes, East Side resident, noticed the standard language for a conditional use permit (see added Conditions No. 17 and 18 below) was not in the conditions of approval. Ms. Refakes said including the standard language gave residents the ability to bring problems back to the Planning Commission if conditions were not being met.

Mr. Sheldon agreed to the standard language and “boiler-plate” Conditions of Approval (Commissioner McCarthy handed Mr. Sheldon a copy of the Conditions of Approval for Public Hearing No. 2 that contained the standard language).

**MOTION: Based on the evidence of the record, the findings contained in Exhibit A and subject to the Conditions of Approval contained within Exhibit B-modified as follows:**

**Modify Condition of Approval No. 14 to read “On-site security shall be provided in conjunction with any live entertainment, and the parking lot, under the applicant’s control, shall be routinely be patrolled.”**

**Add Condition of Approval No. 15 to read “Live entertainment and/or amplified music may only be permitted subject to City issuance of a public entertainment permit. Contact Code Enforcement for application information.”**

**Add Condition of Approval No. 16 stating “If parking problems arise, the applicant shall work with the Development Services Director or his designee, to modify operational conditions as necessary to address the parking concerns.”**

**Add Condition of Approval No. 17 to read “The applicant shall be limited to the type of operation as described in the staff report and the applicant’s letters of description. Any change in the operational characteristics including, but not limited to the hours of operation and additional services provided shall require review by the Planning Division and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval depending on the nature of the proposed changes. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public, nuisance and/or noncompliance with conditions of approval (Title 13, Section 13-29(o)).**

**Add Condition of Approval No. 18 to read “The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is**



being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable. Moved by Vice-Chair Dickson, second by Commissioner McCarthy (PC Resolution 14-20).

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-85-210 A3  
**Applicant:** Stantec  
**Site Address:** 2888 Harbor Blvd.  
**Zone:** C1  
**Project Planner:** Antonio Gardea  
**Environmental Determination:** Exempt- Section 15303 New Construction or Conversion of Small Structures

**Description:**

Amendment of Conditional Use Permit PA-85-210 to allow the expansion of automobile repair/service use within an existing parking structure for the Honda Dealership. A total area of 6,015 square feet on the first floor of the parking structure will be converted to automobile repair use. In addition, four existing service bays are proposed to be converted to paint booths.

Antonio Gardea, Senior Planner, presented the staff report regarding a request for an amendment to an existing conditional use permit that would allow for the expansion of an auto repair use within two buildings on the Honda Dealership side.

Chair Fitzpatrick asked about the location of the spray booths and the possibility of relandscaping.

**PUBLIC COMMENTS**

Larry Tidball, Stantec Architecture, had reviewed the Conditions of Approval with the business owners and had a few points of discussion. Due to two types of operations taking place - 1) ongoing regular auto repairs (oil changes, brake jobs, tune-ups, etc.) and 2) body shop work (parts being removed, body filler sanding, painting, etc.), Mr. Tidball requested modifications to Conditions of Approval Nos. 9, 18 and 19. He agreed to plant palm trees along the parkway to refresh the landscaping if it pleased the Commission.

Nick Anderson, Autonation Honda, confirmed the use of an amplified public address system. Chair Fitzpatrick asked staff if Condition of Approval No. 14 which prohibited public address systems was an existing condition or a new one. Mr. Gardea reported that Condition of Approval No. 14 was carried over from a previous entitlement. Interim Assistant Development Services Director Jerry Guarracino confirmed that Autonation Honda was in violation of Condition of Approval No. 14. Mr. Anderson agreed to eliminate the public address system located in the front sales lot (facing Harbor Blvd.) and offered a clarification regarding general auto repair.

MOTION: Approval of an amendment to PA-85-210 A3 for an expansion of an existing auto repair facility located at 2888 Harbor Blvd. – 1) Find that the project is exempt from further CEQA review per Section 15303-New Construction or Conversion of Small Structures; and approve by adoption of the Planning Commission resolution, subject to the conditions of approval and subject to the findings in Exhibit A and the conditions in Exhibit B with the following amendments:

Condition of Approval No. 9 – replace “automobile” with “body shop”.

Condition of Approval No. 19 – replace “auto repair” with “body shop”.

Condition of Approval No. 8 – shall read “The applicant shall remove storm drain facilities in the parking area that connect or discharge directly into the public storm drain system for the portion of the building that is subject of this application. Any runoff from the automobile repair service area shall be collected, treated and/or discharged into the sanitary system. The applicant shall contract the sanitation district for review and approval prior to issuance of a building permit.”

Add Condition of Approval No. 20 to state, “The applicant to work with the Development Services Director or his designee to provide upgraded landscape along Village Way.” Moved by Commissioner McCarthy, second Vice-Chair Dickson with comment - (PC Resolution 14-21)

Vice-Chair Dickson suggested adding language to **Condition of Approval No. 19** to include “**all auto repair work shall be conducted in Buildings A, B and D**”. The Maker of the Motion agreed to add Vice-Chair Dickson’s language.

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.

4. **Application No.:** CO-13-03  
**Site Address:** Citywide  
**Zone:** City of Costa Mesa  
**Project Planner:** Jerry Guarracino  
**Environmental Determination:** Exempt

**Description:**

An Ordinance of the City Council of the City of Costa Mesa amending Title 13, Chapter IX, Article 8, Governing Motels, of the Costa Mesa Municipal Code:

- The Costa Mesa Planning Commission will hold a public hearing to consider Code Amendment CO-13-03 related to Motels. The amendments would reduce the total number of rooms that could be utilized as extended occupancy rooms at any motel site from 25% to 0%.

Jerry Guarracino, Interim Assistant Development Services Director, presented the staff report for discussion purposes only regarding a proposed ordinance that the City Council and Planning Commission asked the Planning Department to bring forward. Mr. Guarracino provided an overview of the proposed ordinance which included background history and ordinance comparisons of surrounding cities.

Mr. Guarracino responded to questions from the Commission regarding “Grandfathering existing Long-Term Occupants”, RHNA calculations and interplay, registration and



restaurant requirements, T.O.T. (Transient Occupancy Tax) Report, legality of the 28-day shuffle.

Yolanda Summerhill, Planning Commission Counsel, stated the proposed ordinance would require City-initiated audits to ensure compliance with long-term occupancy.

The Commission emphasized that the proposed ordinance would not displace long-term residents.

Chair Fitzpatrick honored a request from the Costa Mesa Affordable Housing Coalition for multiple speakers (5) that were held to 3 minutes each.

## **PUBLIC COMMENTS**

Kathy Esfahani, Costa Mesa Affordable Housing Coalition member, spoke in opposition of the proposed ordinance and said it would have a devastating effect on the working poor. It was a drastic and wrong-headed policy that did not serve any legitimate government purpose. Costa Mesa had a critical shortage of affordable housing, the proposed ordinance would hurt low-income families and was bad public policy. She urged the Commission to drop its efforts to end long-term motel stays and not destroy a source of existing housing that filled a critical need.

Linda Tang, Costa Mesa Affordable Housing Coalition and Kennedy Commission member, was against the proposed ordinance. Ms. Tang spoke about evicted families, motels being a last resort for families who have nowhere else to go, low RHNA number identifying new units needed to meet expected future growth but not the City's existing deficit in affordable housing and the Housing Element. She stated if Costa Mesa approved the proposed ordinance it would lose a crucial source of last-resort housing for its City's most vulnerable residents.

Diane Russell, Costa Mesa Affordable Housing Coalition member, said the City Council majority and its allies have been working aggressively to shut down "problem motels" by staging high profile inspections of motels, publicizing code violations and fines imposed on each motel due to the attention focused on a few motel rooms where the very pathetic, elderly people suffering from dementia and hoarding reside. She did not want residents to be fooled by the Mayor's false sense of compassion – changing the ordinance would not solve the problem of affordable housing.

Andrea Marr, Costa Mesa Affordable Housing Coalition member, was against adopting the proposed ordinance – she spoke of how the proposed ordinance would hurt poor children and families due to the anguish and hardship from having to move every 30 days. The City wants to drive out not only the working poor who use the motels for long-term stays but also the current motel owners and their "low class" accommodations to make way for the developments that the City Council prefers.

Jean Forbath, Costa Mesa Affordable Housing Coalition member, stated that in an effort to reach the City's goal of 0% long-term occupancy in motels they were proposing an ordinance that was terrible public policy. The greatest harm caused by this proposed ordinance was to Costa Mesa's most vulnerable population – seniors and families who land where they never expected (without a place to live). Ms. Forbath spoke of her encounters working with homeless families when she served as Director of Share Ourselves (S.O.S.) and she urged the Commission not to adopt the proposed ordinance.

Cindy Black, Costa Mesa resident, resented having to participate in her City's government. She moved to Costa Mesa in 1975 and the government was managed well back then. The events that have unfolded in the last 4 years have compelled her to participate and protect what is happening in her City. Ms. Black spoke about the



Planning Commission appointments and said the current Commission had not been elected by the residents of Costa Mesa but rather appointed by the majority of the City Council members. She expressed concern with adopting the proposed ordinance because the motels were a last resort to people living in their cars or on the streets. How was depriving motel residents of shelter, disallowing long-term occupancy and depriving business owners of income, caring for your fellow man?

Christopher Lin, of Ana Mesa Inn and Costa Mesa resident, read a statement on behalf of Lily Chen of the Regency Inn who could not be present. The proposed ordinance to eliminate all long term stays in motels was a disservice to the public's interest in 3 vital ways – 1) it removed a vital housing option for certain demographic segments namely the working poor and the distressed—the ordinance had a negative impact on housing security; 2) it imposed artificial barriers on small, privately owned businesses who were serving a legitimate commercial and community need; and 3) the impact of potential legal fees if the City has to defend the ordinance. Mr. Lin was very concerned over housing security not being benefitted by invasive surveillance of long-term guest and urged the Commission to resist the temptation to place a burden on the poor, small businesses and the taxpayers of Costa Mesa.

Laurie Dickendasher, Costa Mesa resident and Regency Inn employee, said motels relied on long-term stays in order to exist. The proposed ordinance would force motel owners to sell to developers, who would replace the motels with high-density residential projects and end last-resort housing for the working poor. Adoption of the proposed ordinance would add to Costa Mesa's homeless problem.

Rick, Regency Inn guest, said he stayed in a handicapped room at the Regency Inn because there was no other place in Costa Mesa (apartment or a home) that provided minimal non-dependency amenities for wheel-chair bound persons. The motels were the only source of housing for handicapped people and offered a nice place for people to stay in.

The Commission expressed desire to keep the current guests and were in no way trying to eliminate temporary safety nets or housing for low-income persons but felt the suitability of the rooms for long-term occupancy was a critical goal of the ordinance. They were interested in finding a viable solution for motel owners to provide safe and healthy environments for children and families and felt that removing the 25% long-term stay and implementing a conditional use permit provision would provide safe environments that would not endanger people or communities.

Commissioner McCarthy requested feedback from staff regarding the City of Buena Park's experiences with their ordinance as well as additional RHNA information and an update on affordable permanent housing.

Chair Fitzpatrick made a request for staff to return with a staff report that contained pictures and graphics that better explained the 28-day-shuffle.

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, MAY 12, 2014.**

Submitted by:

  
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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION