

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

**October 26, 2015**

*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.*

Commission McCarthy led in the Pledge of Allegiance.

**ROLL CALL**

Present: Vice-Chair Jeff Mathews  
Commissioner Colin McCarthy  
Commissioner Tim Sesler  
Commissioner Stephan Andranian

Absent: Chair Robert Dickson

Staff: Claire Flynn, Assistant Development Services Director  
Yolanda Summerhill, Planning Commission Counsel  
Bart Meja, Acting Principal Civil Engineer  
Mel Lee, Senior Planner  
Ryan Loomis, Associate Planner  
Julie Colgan, Recording Secretary

**PUBLIC COMMENTS**

Barrie Fisher, Costa Mesa resident, spoke about the landscape in the greenbelt along Victoria Street that needed to be trimmed to stop people from loitering there.

A Costa Mesa resident spoke about an article in the Daily Pilot that warned against using Hixson Metal Finishing, and stated concerns with people from Hotel California by the Sea on the east side blocking the sidewalk by Orange Avenue and East 17<sup>th</sup> Street.

Vice Chair closed public comments.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Commissioner McCarthy announced that the Traffic Impact Fee Ad-Hoc Committee will start meeting in January to discuss the Traffic Impact Fees and recommending it to City council. He encouraged anyone that has an interest in it to be a part of the process. He also congratulated Estancia High School on their win at the battle of the bell.

Commissioner Andranian asked staff to address the public comment about the landscape on Victoria Street. Bart Meja, Acting Principal Civil Engineer, responded that he will speak with the maintenance manager about it. Commissioner Andranian also addressed the second public comment about Hotel California by the Sea.

## CONSENT CALENDAR

Vice Chair Mathews asked if anyone wanted to pull item number 1. No one responded.

1. Minutes for the meeting of October 12, 2015

**MOTION: Approve Consent Calendar Item number 1  
Moved by Commissioner McCarthy, seconded by Commissioner Andranian.**

The motion carried by the following roll call vote:

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

## PUBLIC HEARINGS

1. **Application No.:** PM-2015-166  
**Applicant:** Jeff Tsalyuk  
**Site Address:** 1620 Orange Avenue  
**Zone:** R2-HD  
**Project Planner:** Ryan Loomis  
**Environmental Determination:**

The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (New Construction).

**Description:** Tentative Parcel Map application for the subdivision of an existing lot into two residential small lots per the Residential Small Lot Subdivisions Standards. The subdivision is a requirement of a previously approved development project.

Ryan Loomis, Associate Planner, presented the staff report.

## PUBLIC COMMENTS

No public comments.

Vice Chair closed the public hearing.

Commissioner McCarthy asked for a two year matrix on the Small Lot Ordinance.

**MOTION: Hereby move that the Planning Commission approves Tentative Parcel Map 2015-166 for a two unit residential small lot development at 1620 Orange Avenue based on the findings set forth in Exhibit A, and subject to the conditions set forth in Exhibit B.**

**Moved by Commissioner McCarthy, second by Vice Chair Mathews.**

**RESOLUTION 15-62 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING TENTATIVE PARCEL MAP 2015-166 FOR RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT FOR PROPERTY LOCATED AT 1620 ORANGE AVENUE**

The motion carried by the following roll call vote:

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

2. **Application No.:** PA-15-27  
**Applicant:** John Hill  
**Site Address:** 350 E. 17<sup>th</sup> Street  
**Zone:** C1  
**Project Planner:** Mel Lee

**Environmental Determination:**

The project is categorically exempt under Section 15302 of the State CEQA (California Environmental Quality Act) Guidelines – Class 2 (Replacement or Reconstruction).

**Description:** Design review to demolish an existing two-story, 15,185 square foot, multi-tenant medical office building and construct a new two-story, 9,835 square foot, multi-tenant building with restaurant uses and outdoor patios on the first floor and non-medical office uses on the second floor, including the following:

1. Deviation from maximum allowable Floor Area Ratio (FAR) (.30 FAR allowed; .33 FAR proposed);
2. Variance from front and street side setbacks (20 foot front setback required; 2.5 feet proposed based on required dedication along E. 17<sup>th</sup> Street for street widening purposes; 15 foot street side setback required; 4 feet proposed);
3. Minor conditional use permit to allow a reduction in shared parking requirements due to unique operational characteristics (63 spaces required; 60 spaces proposed); and to allow outdoor patios to encroach into required street setbacks (2.5 to 14 feet on E. 17<sup>th</sup> Street; 10 feet on Raymond Avenue);
4. Valet parking program.

Mel Lee, Senior Planner, presented the staff report.

Commissioner Andranian asked how Condition of Approval No. 2 would be enforced. Mr. Lee responded by staff. They would determine it based on the nature of the complaints.

Commissioner McCarthy, Mr. Lee and Mr. Meja discussed the concern with the public right-of-way being used for the outdoor patio space.

Commissioner Sesler asked for clarification with the height of the wrought iron fence in Condition of Approval No. 9 and the disruption to the surrounding land owners.

**PUBLIC COMMENTS**

Greg Gabriel, property owner, thanked the Planning Department for all their work.

John Hill, applicant, stated they had an outreach to the neighbors; received no negative comments, and addressed the concerns of the front patio area.

Beth Refakus, Costa Mesa resident, stated concerns with the conformity of the project, taking the use of the public right-of-way for patio seating, overflow parking, and traffic flow on Raymond Avenue.

Charlotte Johnson, Costa Mesa resident, stated concerns with the one way traffic flow on Raymond Avenue and the traffic potential on Cabrillo Street.

Commissioner Andranian let Ms. Johnson know that the Commissioners did receive her letter and reviewed it.

Thomas Megonical, Costa Mesa resident, spoke in support of the application.

Jason Derocgo, Costa Mesa resident, spoke in support of the application.

Vice Chair closed the public hearing.

Mr. Hill responded to the public comments.

Vice Chair Mathews asked the applicant if they would be open to a different front setback without the patio encroachment. Mr. Hill responded that they would like to have a chance with the proposed setback with the patio encroachment.

Commissioner Sesler stated concerns with the noise impact the new uses will have on the abutting home owners. Mr. Hill responded by going over their plan to block the noise.

Commissioner McCarthy, staff and counsel discussed the removal of the patio encroachment if the widening of the 17<sup>th</sup> Street occurred and if it has been done before.

Mr. Hill responded to the concerns of the patio encroachment and stated they are open to the removal of the patio area to have the project approved.

Commissioners discussed continuing the application or denying it.

**MOTION: The Planning Commission hereby continues Planning Application PA-15-27 for a new two-story retail building at 350 East 17<sup>th</sup> Street continued to a meeting at a future date off calendar.**

**Moved by Commissioner McCarthy, seconded by Commissioner Andranian .**

The motion carried by the following roll call vote:

Ayes: Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: Dickson

Abstained: None

3. **Application No.:** ZA-15-30  
**Applicant:** Jason Smith/Landshark Dev. Svcs  
**Site Address:** 3033 Bristol Street, Ste. D  
**Zone:** C1  
**Project Planner:** Ryan Loomis

**Environmental Determination:**

The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

**Description:** An appeal of a minor conditional use permit for a 1,440 square-foot restaurant tenant space (Halal Guys) to extend the hours of operation from 11 a.m.-11 p.m. to 11 a.m.-12 a.m., Sunday through Wednesday, and from 11 a.m.-11 p.m. to 11 a.m.-1 a.m., Thursday through Saturday, within 200 feet of residentially zoned property, in the C1 zone. No live entertainment, dancing or sales/service of alcoholic beverages are proposed. The Zoning Administrator denied ZA-15-30 on September 11, 2015, which originally requested allowance to remain open until 3 a.m. Sunday through Saturday.

Commissioner McCarthy recused himself.

Ryan Loomis, Associate Planner, presented the staff report.

## **PUBLIC COMMENTS**

Jason Smith, applicant, asked to reverse the Zoning Administrator's denial decision and to approve the proposed modified hours of operation that are consistent with the surrounding businesses.

Commissioner Andranian asked the applicant what plans they have with the parking issue at their location. Kevin Maguire, owner of 3033 Bristol Center, responded that they have added security and will have a valet program in the future.

Commissioners and Kevin Maguire discussed the parking problem and solutions for it.

Susan Thompson, Costa Mesa resident, stated concerns with the parking and opposed the extension of the hours.

Andrenna Berggren, Costa Mesa resident, stated that there had been improvement with the parking since new management took over, and she mentioned there was no parking issue while visiting the site today.

Lynne Wigget, Costa Mesa resident, stated that Mr. Maguire has cleaned up the location but had concerns with the parking, noise, trash, and wanted the hours to not be extended.

Thomas Pham, owner of Halal Guys, asked the neighbors to email them any concerns and addressed the public comments.

Vice Chair Mathews asked Mr. Tran if they would be willing to continue the item. Mr. Tran responded yes.

Mr. Maguire addressed the public comments.

Vice Chair closed the public hearing.

Commissioner Sesler suggested continuing the item.

Commissioners and Claire Flynn discussed the whether to continue the item or deny it.

**MOTION: The Planning Commission continue the appeal of Zoning Administrators denial of Zoning Application ZA-15-30 to the December 14, 2015 Planning Commission meeting and re-notice it at that time.**

**Moved by Commissioner Andranian, seconded by Vice Chair Mathews**

The motion carried by the following roll call vote:

Ayes: Mathews, Sesler, Andranian

Noes: None

Absent: Dickson

Abstained: McCarthy

## **DEPARTMENTAL REPORT(S)**

1. Public Services Report – none.
2. Economic and Development Services Report – none.

**CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – none.

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON NOVEMBER 9, 2015.**

Submitted by:

A handwritten signature in black ink, appearing to read 'Claire Flynn', written over a horizontal line.

CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION