

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
November 10, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., November 10, 2008, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Hall.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Commissioner Clark led the Pledge of Allegiance.

II. ROLL CALL: Chair: Donn Hall
Vice Chair: James Fisler
Commissioners: Sam Clark, Eleanor Egan, and James Righeimer

Present: Chair Donn Hall
Vice Chair James Fisler
Commissioner Sam Clark
Commissioner Eleanor Egan
Commissioner James Righeimer

Absent: None.

Also Present: Planning Commission Secy. Kimberly Brandt
Deputy City Attorney Tom Duarte
Acting City Engineer Fariba Fazeli
Senior Planner Mel Lee
Senior Planner Minoo Ashabi
Associate Planner Wendy Shih

III. MINUTES: Minutes for the meeting of October 27, 2008

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Righeimer pointed out that last week he was a candidate running for the City Council, but he did not receive enough votes to win a seat. He was pleased to say that there was no negative mail sent out by the candidates for this City Council race. He commented that he would be running again for the City Council in two more years.

Vice Chair Fisler asked that we remember our veterans tomorrow on Veterans Day and to pray for our soldiers and past veterans. He added that at 11:00 a.m. at the Huntington Beach Pier area there will be festivities for Veterans Day.

Commissioner Righeimer noted that St. John the Baptist Church has an event at 1:00 p.m., at the school.

VI. PUBLIC HEARINGS:

- 1. Zoning Code Amendment CO-08-001 for an ordinance to amend Chapters III, V, and VI of Title 13 and Table 20-6 of Title 20 of the Costa Mesa Municipal Code related to R1 Single Family District and Property Maintenance Code including:**

- * Off-street parking requirements for new single family residences and room additions with five or more bedrooms;**
- * Establishing criteria for minor modifications related to off-street parking requirements;**
- * Establishing minimum front yard landscape and maximum hardscape requirements; and**
- * Establishing regulations for parking of vehicles on residential driveways.**

The Chair noted that this item has been recommended for continuance to a study session after the first of the year. He asked if anyone wished to speak on this item that would not be able to attend the meeting after the first of the year, and no one wished to do so.

MOTION: Continue to a study session date to be determined.

Moved by Commissioner Sam Clark, seconded by Vice

Chair James Fisler.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler,
Commissioner Sam Clark, Commissioner Eleanor
Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

2. **Planning Application PA-07-39, for Anna R. Lauri of Red Mountain Retail Group, authorized agent for Harbor Hamilton, LLC, for a master plan for the remodel of three existing buildings and the construction of four new buildings resulting in a 19,000 square-foot commercial center, located at the southwest corner of Harbor Boulevard and Hamilton Street, at 2089 and 2099 Harbor Boulevard and 511 Hamilton Street, in a PDC zone. Environmental determination: Mitigated Negative Declaration.**

Associate Planner Wendy Shih reviewed the information in the staff report and the supplemental memorandum dated November 5, 2008. She responded to questions from the Commission relating to wall height, landscaping, front and rear setbacks, and aluminum siding size and location.

Anna Lauri, Red Mountain Retail Group, representative for the property owner, agreed to all the conditions of approval except for Condition Nos. 1 and 2. Ms. Lauri explained to the Chair that she preferred the requirement for Condition No. 1 of a minimum 6-foot high decorative block wall be changed to 3 feet. She remarked that a 6-foot high wall tends to be a canvas for graffiti and is like a barricade. Regarding Condition No. 2, Ms. Lauri expressed concern that the security gate would be too costly and would not make the project look inviting. She added she does not see a security issue at the site and Transportation Services staff agreed this would be a good means of egress for vehicles.

Ms. Lauri responded to Commissioner Clark concerning Condition No. 2 that she is not anticipating any traffic between 11:00 p.m. and 6:00 a.m. accessing Charle Street. She also

responded to Commissioner Righeimer concerning vehicles queuing next to Building 4. She said 160' of queuing is available. Ms. Shih added that the applicant meets the Code requirement for queuing.

Ms. Lauri explained to Commissioner Egan that the aluminum siding is brushed and is only trim pieces, and will not cover the whole side of the building. She also explained to Commissioner Righeimer that demolition of the existing building adds to landfills. Ms. Lauri said she is excited to move forward on this project.

Harry Probert, Hamilton Street resident, expressed concern regarding the compact car parking and asked that the parking spaces be standard size. The Chair agreed with Mr. Probert's comments. Ms. Lauri added that the 5 stalls west of Building 3 are too short to be considered full size, but the decreased depth is necessary for Fire vehicle access.

The Chair, Vice Chair Fisler, Commissioner Egan, and Ms. Shih discussed the height of the Charle Street perimeter wall remaining at 6 feet high; shrubbery along the wall to prevent vandalism; and screening the cars. Commissioner Clark agreed that the parking lot should be screened by the wall and there should be no undesirable noise. He also said the Charle Street security gate is needed for prohibiting vehicle access between 11:00 p.m. and 6:00 a.m.

No one else wished to speak and the Chair closed the public hearing.

Commissioner Righeimer stated that based on his experience in real estate, this is a very poorly designed project. He noted concerns with visibility of buildings at the rear of the site, which would be blocked by the existing buildings along Harbor Boulevard, and the limited amount of landscaping along Harbor Boulevard and Hamilton Street, a prime corner in the City, because of the non-conforming building setbacks. He said he was not supporting the project and proceeded to make a motion.

MOTION: Deny Planning Application PA-07-39, by

adoption of Planning Commission Resolution PC-08-78, based on the evidence in the record and the denial findings contained in Exhibit “A”, with the revised Findings “A” and “B”, adopted as follows:

FINDINGS

A. The project does not comply with Costa Mesa Municipal Code Section 1329(e) because:

- 1. The project is not compatible and harmonious with uses on surrounding properties.**
- 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.**

**B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(5) in that the master plan does not meet the broader goals of the General Plan and the Zoning Code. Specifically, the existing buildings at the corner of the property, which were proposed to be remodeled in conjunction with the construction of new buildings, are nonconforming with regard to building setbacks from the street, resulting in reduced landscape setbacks on a visible corner lot. Additionally, the location of the proposed new buildings will have limited visibility from Harbor Boulevard due to the location of the existing buildings, and will not create a viable development for future tenants. This project does not exhibit excellence in design, site planning, integration of uses, and protection of the integrity of neighboring development.
Moved by Commissioner James Righeimer, seconded by Vice Chair James Fisler.**

During discussion on the motion, Commissioner Righeimer discussed with the Chair that this was a non-conforming project; a major commercial anchor tenant needs to be added to the center; and the applicant needs to bring this project up to the new standards.

Commissioner Egan said she remembered the 2300 Harbor project and the shops in the back of the property.

Vice Chair Fisler commented that he did not like the building on the corner and is supportive of mixed-use. He gave his support for the motion.

The Chair stated that he was not in agreement with the motion and a discussion ensued. The Vice Chair pointed out that it was the degree of non-conformity that bothered him.

Commissioner Clark commented that he could not support the motion and said the applicant has put a lot of effort into pulling together the lots. He was pleased with the project.

Commissioner Righeimer pointed out that he believes no tenants will want to occupy the back building. He said the back building needs to be redesigned.

Commissioner Egan commented that this is a master plan project and it leaves a lot to be desired. She said she would support the motion.

The Chair stated he does not like master plans and will vote against the motion.

Commissioner Egan expressed her concern for the rear buildings on the property.

The motion carried by the following roll call vote:

Ayes: Vice Chair James Fisler, Commissioner Eleanor Egan,
and Commissioner James Righeimer

Noes: Chair Donn Hall, and Commissioner Sam Clark

Absent: None.

The Chair explained the appeal process.

3. **Planning Application PA-08-25, for Donald Gregg, authorized agent for W.D. Adam Revocable Trust, for a conditional use permit to establish a dog day care and overnight boarding facility, located at 1606-1608 Babcock**

Street, in an MG zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report, noting that staff was recommending denial because of noise and land use concerns. She responded to a question from the Commission relating to silencer collars and a bark silencer in the facility to discourage barking.

Don Gregg, agent for the owners of the property, explained that this is a well thought out project; there are a minimum number of tenants in the building; and the operator of the dog day care is in attendance.

Theresa Vaughan, Pet Dental Hygienist, explained in detail how a plan has been designed to de-stress the dogs, including, new activities every 1-1/2 hours to relieve bad behavior, mental games, and training. She noted there is one person for every 6 dogs; there are separate areas for dogs that do not get along; and this facility would be for small-sized dogs of 21 pounds or less. She pointed out that this establishment is not like the The Bone Adventure facility.

John Spoon, designer of facility, provided some diagrams and explained in detail concerning the sound-proof features, bark silencers, security, signage, parking, and traffic flow. He also explained about the drop off/pickup location; the "Dogosine" vehicle for transporting securely harnessed dogs; and the sanitation measures taken.

Ms. Vaughan replied to Commissioner Clark that the dogs are secured in the car seats of the vehicle; there are trays under patches of grass (PetaPotties) that capture the urine; the sod is hosed down; and the waste is made into compost.

Ms. Vaughan pointed out that 42 dogs is the maximum number of dogs allowed at this facility at one time and there are only 40 custom-built condos to house the dogs. She also explained that the bark silencer sends out a signal that only the dogs can hear, which stops the dogs from barking.

Ms. Vaughan replied to the Chair that she agreed to all the

conditions of approval.

Jacquin Davidson, neighbor and friend of Ms. Vaughan, noted that Ms. Vaughan has taken care of her dog, and this is a unique facility in Orange County. She said Ms. Vaughan is an honest and dog-loving person.

Roger MacGregor, business owner, stated he had no problem with the dogs, but expressed concern relating to noise that could affect the neighbors and the success of the recently approved Nexus development. He suggested that the facility be well sound-proofed.

Diane Cuniff, President of The Bone Adventure, remarked that her dog day care business is successful and is situated in a wonderful location. She noted that this second dog day care facility is not a good idea and has contiguous units on both sides; and using bark silencers is not a good solution.

Ryan Harman, Commercial Real Estate agent, commented that this project has a thorough business plan and will bring more business to the area. He asked the Commission to support this project.

Ms. Vaughan explained to the Chair that most dog day care businesses are in large, multi-warehouse facilities.

Commissioner Clark asked for an additional condition requiring the maximum number of dogs to be 42, and a condition to curb the noise concerns. Ms. Shih pointed out there already is a noise ordinance in the City code.

In response to Commissioner Egan's question if there is summer-time ventilation in the facility, Ms. Vaughan replied that they have an air conditioning system, ceiling fans, and an air purifier.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Planning Application PA-08-25, by adoption of Planning Commission Resolution PC-08-79,

based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the additional Condition No. 10, adopted as follows:

CONDITIONS OF APPROVAL

10. The maximum number of dogs on site shall not exceed 42 at any time.

Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.

During discussion on the motion, Commissioner Egan commented that there should be no issue with noise escaping, and this is a well thought out project; but creating a public nuisance is unacceptable.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fislser,
Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

- 4. Planning Application PA-08-28, for Jeff Bordok, authorized agent for William and Nathan Sokol, for a conditional use permit for a delivery-only convenience store with sales of beer and wine, located at 1125 Victoria Street, Suite R1, in a C1 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and noted that a letter was received from the applicant today suggesting a members only club. Mr. Lee responded to a question from the Commission relating to Condition Nos. 2 and 3, for posted signs and no walk-in traffic.

Jeff Bordok, applicant and one of the business owners, suggested a membership club for walk-in customers. He explained that this establishment is not like a grocery store, it is a delivery service. He also explained that this "club" has 250 food items per membership, according to the ABC license.

No one else wished to speak.

The Chair and Deputy City Attorney Tom Duarte discussed the re-wording of Condition No. 2 to read, "for member walk-in traffic only"; and No. 3, "member walk-in traffic permitted." Deputy City Attorney Duarte agreed that this wording would be acceptable.

In response to Commissioner Egan's question as to why a membership club is needed, Mr. Bordok replied that he is not operating a membership at this time, but is willing to do whatever is necessary to comply.

Commissioner Righeimer and Mr. Bordok discussed after-hours concerns and using a third of the window space to discourage walk-ins.

Mr. Bordok agreed to the revised Condition No. 2, with members only walk-in traffic; and the revised Condition No. 3, with member walk-in traffic permitted.

Commissioner Clark and Commissioner Egan discussed adding Condition No. 12 for member-only delivery and Mr. Bordok agreed.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Planning Application PA-08-28, by adoption of Planning Commission Resolution PC-08-80, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the revised Condition Nos. 2 and 3 and additional Condition No. 12, adopted as follows:

CONDITIONS OF APPROVAL

2. The use shall be limited to the type of operation described in this staff report, i.e., a convenience store that delivers food and beverages, including beer and wine, directly to customers, with members-only walk-in traffic permitted. Any change in the operational characteristics

including, but not limited to, hours of operation, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval.

3. Walk-in traffic shall be permitted for members only. Signs shall be posted at the business stating this.

12. On-site advertising shall be limited to deliveries only. Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer.

The motion carried by the following roll call vote:

Ayes: Commissioner Sam Clark, Vice Chair James Fisler, Commissioner Eleanor Egan, Commissioner James Righeimer, and Chair Donn Hall

Noes: None.

Absent: None.

- 5. Tentative Tract Map T-17284, for Pat Swanson, authorized agent for Villa Nova Townhouses, L.P., to facilitate a previously-approved conversion (PA-06-40) of an existing 2-story, 24-unit apartment complex into a common interest development (condominiums), located at 2043 Charle Street, in an R2-MD zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and stated that Planning will ensure all the upgrades have been completed prior to the recordation of the subdivision map, if the tentative tract map is approved tonight. There were no questions of staff.

Pat Swanson, Real Estate agent for the property owner, said he was still moving forward with the project to completion and explained about the work that has been done to meet the requirements. He agreed to all the conditions of approval.

No one else wished to speak and Mr. Swanson commented that this project would continue until completed.

Vice Chair Fisler recommended to Mr. Swanson that he look at the newly adopted conversion standards and noted there will

be a better product to offer if the new Code standards are followed.

MOTION: Approve Tentative Tract Map T-17284, by adoption of Planning Commission Resolution PC-08-81, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".

Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

During discussion on the motion, Commissioner Righeimer gave his support for this project.

The motion carried by the following roll call vote:

Ayes: Commissioner Sam Clark, Vice Chair James Fisler, Commissioner Eleanor Egan, Commissioner James Righeimer, and Chair Donn Hall

Noes: None.

Absent: None.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, NOVEMBER 24, 2008.

There being no further business, Chairman Hall adjourned the meeting at 8:11 p.m. to the Planning Commission meeting of Monday, November 24, 2008.

Submitted by: _____
KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION