

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

April 10, 2006

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., April 10, 2006 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Perkins, followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

Commissioners Present:

Chairman Bill Perkins
Vice Chair Donn Hall
Eleanor Egan, James Fisler, and Bruce Garlich

Also Present: R. Michael Robinson, Secretary
Costa Mesa Planning Commission
Tom Duarte, Deputy City Attorney
Fariba Fazeli, Senior Engineer
Mel Lee, Senior Planner
Wendy Shih, Associate Planner

MINUTES:

The minutes for the meeting of March 27, 2006 were continued to the Planning Commission meeting of April 24, 2006.

PUBLIC COMMENTS:

Dorothy McNiff, 1672, Tustin Avenue, Costa Mesa, expressed concerns about the Beach Pit Barbecue. She noted she had not yet received a response to the questions she asked at the previous Planning Commission meeting on May 27th which were: (1) Was the Beach Pit Barbecue in violation when they installed and used a television; and (2) if so, what are the penalties for violating the conditional use permit? Mr. Robinson stated that they did install a television and were cited by Code Enforcement for that reason. He believed the fine for the first violation was \$75, but he would have to check to confirm.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

Commissioner Fisler mentioned that last Tuesday (April 4th), City Council approved the Westside and SoBeca Overlay Plans and they are moving forward.

Vice Chair Hall remarked that we should all be very proud of our City because last Friday, the Orange County Register in the "Current" section of the newspaper, reviewed the Westside Revitalization Plan. He said that yesterday, there was an article regarding different cities in the county and what each was doing in terms of development within their cities. He said they complimented Costa Mesa as being the one city that looks forward to improving things with the "free market" and bringing the City up to a new standard of living.

CONSENT CALENDAR:

On a motion made by Vice Chair Hall, seconded by Chair Perkins and carried 5-0, the following item on the Consent Calendar received the action below.

2006 GENERAL PLAN ANNUAL
REPORT

Annual Report summarizing the past year's activities related to implementation of the 2000 General Plan.

City

The Planning Commission unanimously voted to receive and file this item.

PUBLIC HEARINGS:

PLANNING APPLICATION
PA-05-45

Negrette/Ringo

The Chair opened the public hearing for consideration of Planning Application PA-05-45 for Ralph Ringo, authorized agent for Ryan Negrette, for a variance from driveway landscape parkway requirements (10 ft. combined required; 4 ft. proposed) with a minor design review for a second-story addition above a new, three-car garage, located at 369 Rochester Street in an R2-MD zone. Environmental determination: exempt.

Withdrawn

Staff noted this item was withdrawn from the calendar.

PLANNING APPLICATION

The Chair opened the public hearing for consideration of Planning Ap-

PA-05-54

Carpenter/Levesque

plication PA-05-54 for Suzanne Levesque, authorized agent for Dennis and Jeanne Carpenter, to convert 16 apartment units to a common interest development (airspace condominiums), located at 1940 Maple Avenue, in an R3 zone. Environmental determination: exempt.

Staff recommended a continuance of this item to the Planning Commission meeting of April 24, 2006 to provide the notices to tenants required under state law.

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

MOTION:
PA-05-54
Continued

A motion was made by Chairman Perkins, seconded by Vice Chair Hall and carried 5-0, to continue this item to the Planning Commission meeting of April 24, 2006.

PLANNING APPLICATION
PA-05-60 AND PARCEL MAP
PM-05-309

Marsh/Richie

The Chair opened the public hearing for consideration of Planning Application PA-05-60 and Parcel Map PM-05-309 for Craig Richie, authorized agent for Chris Marsh, of Cooper Marsh International LLC, to convert three apartments into a common interest development (airspace condominiums), with a parcel map to facilitate the conversion, located at 191 Albert Place, in an R2-MD zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions.

In response to a question from Vice Chair Hall regarding a recent inspection of this property, Ms. Shih explained that the building inspection was conducted in February and the report is included (page 15) in the staff report. In further response, she said it is part of the requirement and documentation for a condo-conversion per the zoning code.

In response to a question from the Chair regarding first right-of-refusal and who would pay for the rental service to find relocation, Ms. Shih said it would be the property owner's responsibility. He asked if there was provision for any incentive or bonus for the property owners to find a place for the renters to go within the same school districts, same area, etc., and Ms. Shih explained that the rental fee as a mitigation, is included in the recommended conditions of approval.

Craig Richie, authorized agent, 3500 South Greenville Street, Santa Ana, agreed to the conditions of approval. Mr. Richie expressed his gratitude to Ms. Shih for implementing a "perfectly professional job on this application."

Commissioner Egan asked Mr. Richie if he would be in agreement with a condition requiring written disclosure to purchasers, that the available parking does not meet current Costa Mesa standards for condominium parking, because initially, the improvements were constructed as apartments. Mr. Richie said he could see no reason not to disclose that information.

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

MOTION:
PA-05-60 & PM-05-309
Approved

A motion was made by Commissioner Egan, seconded by Vice Chair Hall, and carried 4-1 (Fisler voted no), to approve Planning Application PA-05-60 and Parcel Map PM-05-309, by adoption of Planning Commission Resolution PC-06-24, based on information and analysis in the Planning Division staff report and findings in exhibit "A", subject to conditions in exhibit "B" with the following addition.

Conditions of Approval

- 13. The CC&R's shall disclose that the available parking on site is 5 spaces short of the current condominium parking standards of the City of Costa Mesa, because of its legal nonconforming status.

During discussion on the motion, Commissioner Fisler said he would not be supporting the motion because he felt it was under parked by about

40%. He said the lot is short for what is needed and he understands it is an existing nonconforming property and this action would not change anything, nevertheless, he would still like to see the parking improved in that area.

The Chair explained the appeal process.

PLANNING APPLICATION
PA-06-09

Winebright/Kates

The Chair opened the public hearing for consideration of Planning Application PA-06-09 for Corrie Kates of Foothill Project Management & The Urban Design Center, authorized agent for Chester Winebright, for a conditional use permit to upgrade a Type 20 (off-sale beer and wine) ABC license to Type 21 (off-sale general) ABC license for an existing convenience store (Circle K), located at 2346 Newport Boulevard in a C1 zone. Environmental determination: exempt.

Commissioner Fisler explained that he was in conflict with this agenda item because his real estate broker has listings within a 500-foot radius of this property, and he excused himself from the hearing.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff was recommending denial by adoption of Planning Commission resolution because a finding of public convenience or necessity cannot be made.

Ms. Shih also summarized Police Department comments which were included in the Supplemental Memo dated April 5, 2006.

There was discussion between Commissioner Garlich, Ms. Shih and the Chair regarding the number of surrounding licenses in the same census tract area and nearby tracts.

Bob Barrett, Costa Mesa resident, said he was there representing the owner, who has been at this location for 18 years, and as far as crime, it's never been an issue there. He said the records say he runs a clean business. He's had several requests from his clientele for a Type 21 license (hard liquor/off-sale general). Mr. Barrett submitted a petition from people who live on different streets behind the Circle K indicating their desire to see the license changed.

Beth Refakas, 320 Magnolia Street, Costa Mesa, felt there were enough hard liquor stores in the neighborhood without additional licenses. She also questioned the validity of the 127 calls for service since that was the total for the shopping center and there was no breakdown of what type of calls for service were made. She said she was hopeful the Commission would not compound the problem in the neighborhood and deny the request.

Judy Pham, one of the owners of the Circle K, stated that most of the Police Department calls would have come from the check cashing business, just 4 doors from the Circle K. She said they have young people who try to cash checks that have been stolen. She said Circle K probably makes 5 calls a year for police service, mainly over parking issues. She believes the license would make it more convenient for regular customers and new neighbors that come in from the back of the shopping center. She said there are a lot of new homes being built and the fact that it is also located on a "one-way" street would make the license upgrade more convenient.

Steve Edwards says he helps to manage the property for the owner of the strip mall. He said the owner/operators of the Circle K are very responsible people; they run a clean operation; and management concurs with the request and offers their support.

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

MOTION:
PA-06-09
Failed for lack of a second

A motion was made by Vice Chair Hall to approve the request for a Type 21 ABC license. The motion failed for lack of a second.

MOTION:
PA-06-09

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 3-1 (Hall voted no; Fisler abstained), to deny Planning

Denied

Application PA-06-09, by adoption of Planning Commission Resolution PC-06-25, based on information and analysis in the Planning Division staff report and findings in exhibit "A."

During discussion on the motion, Commissioner Egan stated said she supports the motion, in part, because there are sufficient retail outlets for hard liquor in that vicinity. She said she is not saying there is anything wrong with the way this place is run, but she believed the City has enough of these outlets in the area.

Commissioner Garlich said he made this motion because he could not make the findings for necessity or convenience. There are multiple locations nearby to buy these same products. He said he was sure the owners are good people, but that's not the issue with him. He said the fact that there were 127 calls for service in that same general shopping center for whatever reason, and adding liquor to that immediate vicinity does not help the situation and is a serious reason to support the motion.

The Chair agreed with Commissioner Garlich and reiterated aspects of his testimony. He then called for the motion (as shown above).

The Chair explained the appeal process.

PLANNING APPLICATION
PA-06-18

Stilley Ltd. Partnership

The Chair opened the public hearing for consideration of Planning Application PA-06-18 for Stilley Limited Partnership/Calvin Stilley, to allow off-site parking at 1770 Newport Blvd., for a physical therapy business, located at 1784 Newport Boulevard, both located in a C1 zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending approval, by adoption of Planning Commission resolution.

Mark Stilley, representing Calvin Stilley, agreed to the conditions of approval.

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

MOTION:
PA-06-18
Approved

A motion was made by Vice Chair Hall, seconded by Chair Perkins, and carried 5-0 to approve Planning Application PA-06-18, by adoption of Planning Commission Resolution PC-06-26, based on information and analysis in the Planning Division staff report and findings in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:

None.

REPORT OF THE CITY ATTORNEY'S OFFICE:

None.

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 7:22 p.m. to the meeting of Monday, April 24, 2006.

Submitted by:

R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION