Minutes

Planning Commission January 21, 2013
City of Orange Monday 7:00 p.m.

PRESENT: Commissioners Buttress, Gladson, Grangoff and Steiner
ABSENT: Commissioner Cathcart

STAFF PRESENT: Leslie Aranda Roseberry, Planning Manager
Chad Ortlieb, Senior Planner
Doris Nguyen, Associate Planner
Gary Sheatz, Assistant City Attorney
Sandi Dimick, Recording Secretary

REGULAR SESSION:

Chair Steiner called the meeting to order at 7:00 p.m.

Roll Call

Commissioner Cathcart absent

PUBLIC PARTICIPATION:

None

PLANNING MANAGER REPORT:

Planning Manager, Leslie Aranda Roseberry, stated there was nothing additional to report.

Chair Steiner provided an overview of the City's appeal process.

Consent Calendar:

(1) APPROVAL OF MINUTES FROM THE REGULAR SCHEDULED MEETING OF January 7, 2013.

(2) TIME EXTENSION FOR MAJOR SITE PLAN REVIEW (MJSP 0480-06); CONDITIONAL USE PERMIT (CUP 2683-07); CONDITIONAL USE PERMIT (CUP 2689-07); TENTATIVE PARCEL MAP (TPM 2007-118); DESIGN REVIEW COMMITTEE (DRC 4178-06); AND MITIGATED NEGATIVE DECLARATION (MND 1783-06) FOR SHARED PARKING AGREEMENT BETWEEN A MEDICAL OFFICE BUILDING AND A PARKING STRUCTURE LOCATED AT 999 TOWN AND COUNTRY ROAD.

Commissioner Buttress made a motion to approve the items on the Consent Calendar as written.

SECOND: Commissioner Grangoff
AYES: Commissioners Buttress, Gladson, Grangoff and Steiner
NOES: None
ABSTAIN: None
ABSENT: Commissioner Cathcart

MOTION CARRIED

New Hearings:

(3) CONDITIONAL USE PERMIT NO. 2846-12 – ARGOSY UNIVERSITY

The applicant proposes to expand student enrollment for an existing university (Argosy University) and to provide additional required parking off-site with shuttle service to the university from the parking structure at 333 City Boulevard West for the evening class session.

LOCATION: 601 S Lewis; 532 S Lewis & 333 City Blvd West

NOTE: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) because the project proposes to intensify use of existing facilities with the same use(s).

RECOMMENDED ACTION:
Adopt Planning Commission Resolution 04-13 approving an operation at 532 and 601 South Lewis Street with on-site student and staff numbers restricted to 330 students and 25 faculty contingent upon and inclusive of the off-site use and availability of 82 parking spaces.

Senior Planner, Chad Ortlieb, provided a project overview consistent with the Staff Report.

Chair Steiner opened the item for any questions for Staff?

Commissioner Gladson stated Mr. Ortlieb had provided a great presentation with a lot of information to digest. She asked for a general overview and what the cap for maximum number of students allowed with the current CUP and the distinguishing factor to allow for parking, and she was unclear if the enrollment would be lowered?

Mr. Ortlieb stated under the existing CUP, it had been approved with up to 789 students and 100 staff members and he had not wanted to pull their attention there. There was a condition that basically stated the University was limited to the number of students allowed on campus. The entire enrollment had a limit and the number of students allowed on campus was conditioned. The on campus limit was 112 students and 89 staff members. They had taken it a step further by allowing for some adjustments, under the current parking code, and if the number of staff members was reduced then a few more students could be added on site. He had thrown out some numbers in his presentations as hypothetical situations. The applicant was asking for 16 staff members and with that they would be allowed to have 249 on-site students. In taking that comparison of 249 students, Argosy University was requesting to have up to 330 students for all sessions and that would be their maximum with up to 25 faculty members.

Commissioner Gladson stated the information provided by Mr. Ortlieb had cleared up a lot for her.

Chair Steiner stated initially Argosy had wanted to add a couple hundred students, and Mr. Ortlieb had scaled that down to 36 additional students and 9 new faculty members.

Mr. Ortlieb stated it was the applicant's team who had worked together to bring those numbers to him.

Chair Steiner asked if there had been any further communication received. There was none.

Chair Steiner opened the item for public comment and invited the applicant to address the Commission.

Steve Sheldon, address on file, stated he wanted to thank Staff for their work on the project. The item before them was about parking. The University had contracted in the past with the neighboring bank to allow for parking when the bank was closed and also with the adjacent church as they continued to look for a permanent solution. Unfortunately they had not been able to secure an agreement and it was more of a parking when no one was using the parking lots arrangement; and the bank and church would look the other way. Argosy now needed to find a permanent solution. They were proposing additional parking at the 333 building and would refer to that as parking lot 3 with the use of a shuttle service. The other thing to note was on page No. 12 of the Staff Report and there was a situation that occurred only on one night per week and it had happened during the week of December 9 and on December 11 the main parking lot was full and the adjacent parking lots were full with some use of the shuttle service from the alternate parking lot. It was interesting to point out that on Monday, Wednesday and Thursday night at the adjacent lot with 20 spaces that lot was empty. There was only one night per week that was busy and the University was attempting to work with the schedule and with the students to resolve the issues. On the street parking, there was off site parking, and similar to City Hall some people parked in the lot and others might park on the public streets or along Chapman; it was an uncontrollable situation. There was a hand out given to the students as part of the registration process that requested that students not park on the public street. The other issue was that the other side of the street was in the City of Garden Grove and allowed for that city to enforce its parking rules. He was open to hear any suggestions and he was available to answer any of their questions.

Commissioner Gladson stated Staff had laid out a number of issues in the Staff Report and some of the concerns that they saw in the application as well as observations on site that Mr. Sheldon had covered. Commissioner Gladson asked for more information on the big brush issues relating to the fact that parking site 3, which was fairly far away from the University, and the challenges with a mandate for specific parking and shuttle service and how he foresaw that to work, as it appeared that it would set a precedent for the Planning Commission. It was a bit surprising that the University had not had a better sense of real numbers for their on-line program and on campus numbers; numbers that might be

arrived at with a parking study or an analysis that would be worth addressing. If there was that information and it could be shared or formulated into a condition. She asked Mr. Sheldon if he could provide further information in those areas as the Planning Commission would be wrestling with those findings.

Mr. Sheldon stated the off-site parking was less than a mile away; it was about an 8 minute shuttle drive and was very close. For the one day of week when the parking was more impacted, those students would be able to ride the shuttle. The University had not thought the shuttle was too far away. If students were not pleased with the education experience, they would not return for another term and the University believed that the shuttle service was a solution and would work. He understood that, thus far, the students were okay with the shuttle situation. There were other off-site parking facilities that were more than a mile away. City staff had the tools in the CUP to come back and regulate the situation if it was not working and additional conditions could be implemented. As it related to scheduling; that was a great question and he wanted to point out that there was a total enrollment and then an "any given time" on-site students, which was a very small number vs. the large amount of parking spaces that they currently had. They were asking for an additional 200 students and they had scaled back that number and based on the type of University setting at Argosy there could be a huge number of on-line users and a smaller number of on-site users at any given time. He believed the shuttle service would work with the parking situation they would be providing.

Commissioner Gladson stated it was not part of the curriculum to have an all campus event or even a situation where all the on-line students would be present and even for graduations that would be held at another location and were those fair statements?

Mr. Sheldon stated yes, that was correct.

Chair Steiner stated there were 12 Conditions of Approval and he asked if Argosy was in agreement with those conditions.

Mr. Sheldon stated yes.

Chair Steiner opened the hearing for public comment and stated he was in receipt of written correspondence from Bristol Brokerage.

Peter Zwichorowski, address on file, stated he represented Bristol Brokerage Company and the City Plaza Apartments. He wanted to start off by saying the University's expansion sounded great, but it would not work as proposed. The proposal had not addressed street parking. When Argosy University had initially presented their proposal he had made his concerns known in regard to the street parking impacts. He would be more vocal on the street parking situation as it was difficult to force students to use the parking lots. It would be more convenient to drive up and if there was an open parking spot on the street to use that and there was nothing in place that would prevent that from occurring and when that occurred it would take away parking from the residents at the

apartment complex. The parking situation in the area had not been modified for the expanded uses in the area. He wanted to present a solution and that would be to initiate some sort of parking permits program on Lewis Street, it would need to be a joint effort between the City of Orange and Garden Grove. It could provide additional revenues and there could be a parking limit of 1 hour during specific time frames or something along those lines.

Chair Steiner asked how many apartment units were there at the City Plaza Apartments.

Mr. Zwichorowski stated there were 137 with 72 next door at the Orange Grove Apartments.

Chair Steiner asked if there was an agreement with the renters to use their garages.

Mr. Zwichorowski stated unfortunately land was developed to maximize the amount of units and not to maximize parking. The apartments were 1 parking space for 1 bedroom apartments and 2 for 2 bedroom apartments and the apartment building had carports and not enclosed garages.

Chair Steiner asked Staff if there had been any exploration of permit parking as proposed by Mr. Zwichorowski.

Mr. Ortlieb stated no. There had been Staff observations of a couple zones for very limited parking on the Garden Grove side of the street.

Commissioner Grangoff stated some Cities had a process where the residents could seek permit parking in their neighborhoods and residents could initiate that discussion

Mr. Ortlieb stated there was a process, through Public Works, where the public could inquire. With the current situation, where the parking request bordered on another City and residents were not within the City of Orange he was not certain of the process.

Commissioner Buttress asked if the parking issue was only on the Garden Grove side of the street or affected both cities.

Mr. Ortlieb stated from the apartment resident's perspective if someone was seeking a parking spot it was a situation that affected both sides of the street.

Commissioner Grangoff asked if there was an estimate of the number of spaces used by the apartment residents vs. the students of Argosy University.

Mr. Ortlieb stated he had not gathered that information.

Commissioner Gladson stated there was an exhibit in the proposal packet and in counting on the east side of Lewis there were approximately 12 cars parked there with about 8 on

the west side. It would be fair to say the east side would be student parking. It was hard to tell and it might not be a fair assumption.

Chair Steiner stated it was human nature that people would not want to use remote parking, but by the same token with the adjustment in numbers by Argosy University with 36 students and 9 faculty members; it seemed to be a reasonable approach. It would not have a huge impact, in terms of parking and not a request out of the ordinary for a university or college seeking to expand enrollment for an internet based program. With an increase in parking opportunities it should improve the situation in the area.

Chair Steiner closed the meeting to public comment and brought the item back to the Commission for further discussion or action.

Commissioner Gladson stated she appreciated the feedback from the ownership of the apartment complex. She was confident in supporting the request; primarily because Staff had really drilled down on some very strong Conditions of Approval and there was a chance to re-visit the item if it got out of hand. Her only suggestion and they could discuss it further, because they had heard about management of parking seeming to be the issue and there was the trial idea of the shuttle that had not been tested; she would propose that a condition be added requiring the applicant to provide a fairly detailed parking management plan. To have the applicant come up with a strategy working with Staff, they would have to come up with a very clear picture for their students on where they were supposed to park. There were residents on the west side of Lewis and that the students should be respectful of that situation. To have the applicant come up with the protocols in terms of signage and what would occur when; she would leave it up to the applicant. The applicant was quite gifted to be able to come up with a solution for a parking plan. There was two-year review ability for Staff to come back and look at the situation and if the permit thing might be an option and if dialogue with the City of Garden Grove could be implored that could also be another angle. She would leave it pretty open on how the applicant could come up with their own strategy to come up with their own parking plan.

Chair Steiner stated the elements of a parking management plan were already in place. There was communication already offered to students and he had not believed there was anything else that could be done with a formal traffic management plan. The proof would be in the pudding and they had not had any communication from the City of Garden Grove for two years. Usually if there were complaints they would be consistent. What he thought should be considered by Staff was a monitoring condition to ensure that the shuttle arrangement would work or whether there would be a significant impact over a longer period of time and he would want Staff to monitor the situation for the next few months and return to the Planning Commission with a verbal report on how things were going. Certainly, there could be a dialogue with the City of Garden Grove to gather their feedback. The application was not for the addition of 200 students and more faculty.

Commissioner Gladson stated she respected Chair Steiner and comments made, but what was her concern was that in placing the situation in a pro-active level or having Staff

required to be pro-actively out at the site spending enforcement time and general funds, when the City of Orange was more reactive in how they operated, she felt it best to have the responsibility be placed on the University and not to have Staff be responsible for figuring out what the problems may be. She would rather attempt to prevent problems. She had not anticipated problems, but she wanted a safeguard condition to have the University come up with a plan and the reason she had suggested an additional condition.

Chair Steiner stated he was not requesting that Staff go out and count cars. He asked Staff if there was a means for the City to monitor complaints or for a conversation with the City of Garden Grove. He was not suggesting an extensive involvement from Staff and by the same token had not wanted Argosy University to be required to submit a detailed, bureaucratic traffic management plan, when it was pretty clear what the issue was.

Commissioner Gladson stated she was not suggesting a parking management plan and she was not interested in circulation; just a parking plan.

Commissioner Grangoff stated the University was putting forth a plan to manage their parking and the issue was with the public streets. The public streets were the responsibility of the City to management those streets and if there were issues to proceed with remedies.

Commissioner Grangoff made a motion to adopt PC Resolution No. 04-13 approving CUP No. 2846-12-Argosy University, subject to the conditions contained in the Staff Report, and noting the item was categorically exempt from CEQA.

SECOND: Commissioner Buttress
AYES: Commissioners Buttress, Grangoff and Steiner
NOES: Commissioner Gladson
ABSTAIN: None
ABSENT: Commissioner Cathcart

MOTION CARRIED

(4) CONDITIONAL USE PERMIT NO. 2868-12 – WAHOO'S FISH TACOS

The applicant proposes to upgrade to the alcohol license at the existing Wahoo's Fish Tacos Restaurant. The applicant currently has CUP 2735-08 for a Type 41 (On-Sale Beer and Wine for a Bona Fide Public Eating Place) and would like to upgrade to an ABC Type 47 license (On-Sale General for a Bona Fide Public Eating Place). The proposal would include the interior of the restaurant, covered raised patio, and shared outdoor patio. The applicant is also requesting to surrender and replace the alcohol Conditions of Approval related to the existing CUP.

LOCATION: 234 W Chapman

NOTE: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15301 (Class 1 – Existing Facilities) because the project consists of the operation and licensing of an existing private structure.

RECOMMENDED ACTION:
Adopt Planning Commission Resolution 01-13 allowing a 2,650 SF restaurant with a 300 SF covered raised patio, and 1,340 SF shared outdoor patio to serve beer, wine, and distilled spirits under an ABC Type 47 license (On-Sale General for a Bona Fide Public Eating Place).

Associate Planner, Doris Nguyen, presented a project overview consistent with the Staff Report.

Chair Steiner opened the item for any questions for Staff

Chair Steiner invited the applicant to address the Commission.

Michael Cho, address on file, stated basically the operation at Wahoo's would remain the same with the addition of serving distilled spirits with the service of margaritas made with tequila. Wahoo's was following in the same manner as other restaurants in offering more authentic products that were representative of the food they serve. Wahoo's had other locations that sold distilled spirits and those locations included Fashion Island, Newport Beach, the Irvine Spectrum and Huntington Beach. With the addition of distilled spirits they had not had any problems. The restaurant had been in business for approximately 1 year without any problems. He had read the Staff Report and agreed with all the Conditions of Approval.

Chair Steiner stated LinX's would be opening right next to Wahoo's and there was a shared patio. They had a Type 41 license and how would that shared situation work?

Mr. Cho stated in a shared patio situation, such as a food court in a shopping mall that shared a common area; each restaurant needed to have distinctive cups to allow for easy visibility of drink service to identify where the beverage was purchased from. It was better for the community and law enforcement as there was the ability for both licensees to monitor each other; and they were equally responsible for problems that might arise in a common service area. He could assure that Wahoo's would be watching LinX as well as LinX would be watching Wahoo's. The property owners were comprised of many of the original founders of Wahoo's and they had their unit at the site and it was their intention to ensure that things were managed properly.

Chair Steiner stated there were 47 Conditions of Approval and he asked if the applicant was in agreement with those conditions.

Mr. Cho stated there were a lot but he had no problems with them.

Commissioner Buttress stated on the shared patio would the wait staff bring drinks to patrons in the patio area?

Mr. Cho stated with LinX , ABC had required that alcoholic beverages be served by wait staff and be brought out to patrons. With Wahoo's food was ordered at the counter with the food and drinks being brought to the table by a staff member, however, a beverage could be purchased directly at the counter. He anticipated once the application for the ABC license was fulfilled that there would be the same requirement for Wahoo's. There were also training programs in place for Wahoo's employees to be observant of patrons and their alcohol consumption.

Chair Steiner stated the application for the Wahoo's restaurant was approved less than 1 year ago and he asked the Police Department representative if there had been any problems at the site.

Orange Police Department Representative, Sergeant Monjarez, stated there had not been any issues and he recommended approval.

Chair Steiner closed the public hearing and brought the item back to the Commission for further discussion or action.

Commissioner Buttress made a motion to adopt PC Resolution No. 01-13 approving CUP No. 2868-12-Wahoo's Fish Tacos, subject to the conditions contained in the Staff Report and noting the items categorical exemption from CEQA.

SECOND: Commissioner Gladson
AYES: Commissioners Buttress, Gladson, Grangoff and Steiner
NOES: None
ABSENT: Commissioner Cathcart

MOTION CARRIED

(5) CONDITIONAL USE PERMIT NO. 2882-12 AND DESIGN REVIEW COMMITTEE NO. 4635-12 – CHOC/ST. JOSEPH WAYFINDING SIGN PROGRAM

The applicant is proposing a master uniformed way finding sign program for the CHOC and St. Joseph Hospital campuses.

LOCATION: 455 S Main Street

NOTE: The proposed project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per State CEQA Guidelines Section 15303 (Class 3 - New Construction) because the project consists of the installation of signs for a way finding sign program.

RECOMMENDED ACTION:

Adopt Planning Commission Resolution 05-13 approving a master uniformed way finding sign program for the CHOC and St. Joseph Hospital campuses.

Planning Manager, Leslie Aranda Roseberry, presented a project overview consistent with the Staff Report.

Chair Steiner opened the item to any questions for Staff?

Commissioner Gladson stated the Design Review Committee recommended approval and there had not been meeting minutes available, she asked Staff if there had been any major issues or changes that they had recommended.

Ms. Aranda Roseberry stated as she recalled in her conversation with Associate Planner, Robert Garcia, after the DRC meeting; he had indicated that there were no major issues with the proposal and she had not seen any additional conditions placed on the item.

Chair Steiner stated the sign program was a deviation from the Orange Municipal Code and included in their request for the CUP; they had been provided a beautiful and appropriate sign program for a campus of that magnitude. He invited the applicant to address the Commission.

Fred Talarico, address on file, representing CHOC stated he had reviewed the Staff Report and agreed with the conditions and was available for questions. In regard to the Design Review Committee review there had been two issues; one was the colors and they had been discussing color numbers and some clarification. The other issue was with a photo simulation which had been a little off and that had been corrected.

Commission Gladson stated that information explained why her set of plans noted the colors that existed on CHOC currently; she had thought the maybe a DRC member was reviewing the colors and they were meticulous about the details and the Planning Commission relied on their expertise. She asked on the monument signs they appeared to her as blocks, maybe child blocks, and she asked if that was the theme for the way they were stacked?

Steven Fisch, address on file, stated he was representing CHOC Hospital and if looking at the south tower of CHOC there were a lot of mosaic square patterns and that was the basis for the signs. Also to bring St. Joseph into the signage and to off set the two organizations in two distinctive squares. They wanted to distinguish the two entities and that was the key objective to their sign program; and to be able to easily find the right destination, whether it was CHOC or St. Joseph.

Chair Steiner closed the public hearing and brought the item back to the Commission for further discussion or action.

Chair Steiner stated he appreciated the resources that the two hospitals brought to the City of Orange.

Commissioner Gladson made a motion to adopt PC Resolution No. 05-13 approving CUP No. 2882-12 and DRC No. 4635-12-CHOC/ST. Joseph way finding sign program, subject to the conditions contained in the Staff Report and noting the items categorical exemption from CEQA.

SECOND: Commissioner Buttress
AYES: Commissioners Buttress, Gladson, Grangoff and Steiner
NOES: None
ABSTAIN: None
ABSENT: Commissioner Cathcart

MOTION CARRIED

(6) ADJOURNMENT

Commissioner Buttress made a motion for adjournment to the next regular scheduled meeting of the Planning Commission on Monday, February 4, 2013.

SECOND: Commissioner Grangoff
AYES: Commissioners Buttress, Gladson, Grangoff and Steiner
NOES: None
ABSTAIN: None
ABSENT: Commissioner Cathcart

MOTION CARRIED

Meeting Adjourned @ 8:13 p.m.