

ATTACHMENT 1

MILES CHEN LAW GROUP

**Costa Mesa Planning Commission Meeting,
July 12, 2010**

1 COSTA MESA PLANNING COMMISSION MTG, JULY 12, 2020

2 [START PC MEETING ITEM 4.MP3]

3 MALE VOICE 1: Mr. Chair, the second item
4 was No. 4.

5 MR. RIGHEIMER: No. 4, and I think we did
6 have someone who wanted to speak on Item No. 4.
7 We've got a letter from the applicant. They
8 just brought in an attorney, and they're looking
9 to postpone it. So if we vote to postpone it,
10 if you want to speak on the item, we'll let you
11 speak on it today, but you can't speak on it if
12 it gets postponed to that new date. So you
13 might want to decide which one you want to do on
14 that there.

15 MR. CARMONE: Excuse me, sir.

16 MR. RIGHEIMER: Please.

17 MALE VOICE 2: Have him come up.

18 MR. CARMONE: So either I choose to speak on
19 it--

20 MR. RIGHEIMER: Please come to the
21 microphone. You can choose to speak on it now
22 or if we postpone it then, but you can only
23 speak once.

24 MR. CARMONE: Which would be when?

25 MR. RIGHEIMER: August 9.

2 MR. CARMONE: If it's postponed to there.

3 MR. MENSINGER: Mr. Chair?

4 MR. RIGHEIMER: Well, real quick. Would it
5 be okay, if this did get postponed, to speak
6 then?

7 MR. CARMONE: Yes.

8 MR. RIGHEIMER: Okay.

9 MR. MENSINGER: Mr. Chair, if he's here
10 tonight, though, he can speak on it, correct?

11 MR. RIGHEIMER: He can speak on it tonight,
12 but we're not going to vote on it.

13 MR. MENSINGER: So if you don't want to come
14 back and wait around again, your comments will
15 be kept in the record to reflect your thoughts.

16 MR. CARMONE: I'll speak on it now.

17 MR. MENSINGER: So you can speak on it now.
18 I want to make sure you understand that.

19 MR. RIGHEIMER: Let's go ahead and go
20 forward. Go ahead and do it the proper way.
21 One second. Let her go first. Let the clerk --
22 go ahead.

23 THE CLERK: Public hearing Item No. 4.
24 Application No. ZA-89-25 and ZA-92-10. Site
25 address: 739 West 19th St. Applicant: Jesse

2 Garcia. Zone: C1. Environmental
3 determination: Exempt. Description: Review,
4 modification, and/or revocation of Minor
5 Conditional Use Permit ZA-92-10 for a recycling
6 center with a maximum of two containers in a
7 commercial shopping center.

8 MR. RIGHEIMER: Mr. Lee.

9 MR. LEE: Yes, Mr. Chairman and
10 commissioners. To just briefly describe in more
11 detail the item. This item has been brought
12 forward for your review for possible
13 modification and/or revocation. Two Minor
14 Conditional Use Permits, ZA-89-25 and ZA-92-10.
15 This is for Garcia's Recycling, which currently
16 operates at the property, 739 West 19th St. The
17 purpose of bringing this item forward for the
18 Commission's consideration is to either modify
19 or revoke the Minor Conditional Use Permits that
20 allow the recycling facility to operate at this
21 location.

22 MR. RIGHEIMER: And we've got a letter from
23 the applicant looking to postpone?

24 MR. LEE: We have received the letter from
25 the applicant's representative requesting that

2 this item be continued to the August 9th
3 meeting.

4 MR. RIGHEIMER: Does Stephen have any
5 problem with that at all?

6 MR. LEE: No.

7 MR. RIGHEIMER: Let's see here. How do we
8 want to do this? Counsel? Open to the public?

9 MALE VOICE 2: Open to public hearing.

10 MR. RIGHEIMER: What I'm going to do is go
11 ahead and open the public hearing on this item.
12 It will be a little bit out of step from how we
13 normally do this, because I know the applicant's
14 looking for a continuance. So I'm going to go
15 ahead and open the public hearing. Sir?

16 MR. CARMONE: As I said, my name is Edward
17 Carmone. I live 752 Center Street on the corner
18 of Center and Wallace. I come before you again
19 to oppose it as I did on the initial approval of
20 this.

21 First of all, I've lived here for 20-some
22 odd years and 19th Street has been beautified.
23 It's lovely to drive down 19th and see all the
24 day lilies when they're in bloom and the palms.
25 It's lovely. And all of a sudden, we come upon

2 this container that's sitting right out in front
3 of God and everybody with all these cans and
4 people and trash and noise going on. It doesn't
5 enhance anything. It doesn't beautify it. It
6 absolutely destroys what the city has spent a
7 lot of money on in trying to correct. We're
8 trying to build a west side. We're trying to
9 create an environment that is family-friendly,
10 and that certainly is not.

11 And now the applicant is asking for an
12 extension, as I understand this, and possibly a
13 second container. To me, that's ridiculous.
14 It's totally out of place. It doesn't belong
15 there. I have no objection to recycling. I
16 think it's a great idea, but not there. And I'm
17 not saying "not in my backyard"; I'm saying not
18 there. It is right smack in the middle of what
19 you tried to create as far as a pleasant
20 environment. It's terrible. Please do not
21 approve this application. Thank you.

22 MR. RIGHEIMER: Thank you. Just for
23 clarification, this item's actually come up
24 because some planning commissioners have gotten
25 so many calls that the Planning Commission has

2 brought this item up. Commissioner Mensinger
3 brought this item up to look at; review, modify,
4 or revoke came from the commission here.

5 MR. CARMONE: Thank you.

6 MR. RIGHEIMER: Is there anybody else from
7 the public?

8 MS. CHEN: Good evening. My name is
9 Patricia Chen. I'm with Miles Chen Law Group.
10 I represent the applicant, Garcia Recycling.
11 Obviously, I don't want to waive my opportunity
12 to speak.

13 MR. RIGHEIMER: As the applicant you don't.
14 It's okay.

15 MS. CHEN: All right. So do you want me to
16 make a presentation as to why --

17 MR. RIGHEIMER: No, I think you just want to
18 tell us you want your extension. We've already
19 seen your letter.

20 MS. CHEN: Okay. Obviously, we had
21 requested an extension so that we can take the
22 time to speak to Cal Recycle, Department of
23 Conservation, and also we'd like to engage the
24 City in further discussions. We plan to use
25 this time to do that and also to poll our

2 customers as well to see what might work.
3 Garcia Recycling has been working with the City.
4 They will continue to work with the City. They
5 are open to moving the facility if they have the
6 support of the City and the Department of
7 Conservation. So they are trying to be good
8 citizens here and we reserve our right to make a
9 more comprehensive presentation at our next
10 meeting.

11 MR. RIGHEIMER: Okay. So the applicant's
12 asked for a continuance. Do I have a motion --

13 MR. MCCARTHY: Mr. Chair?

14 MR. RIGHEIMER: Commissioner.

15 MR. MCCARTHY: I move that we continue Item
16 No. 4, review of zoning application ZA-89-25 and
17 ZA-92-10, Minor Conditional Use Permits for
18 Garcia Recycling Center, 739 West 19th St., to
19 the meeting of August 9th.

20 MR. RIGHEIMER: I have a motion.

21 MALE VOICE 4: Second for discussion.

22 MR. RIGHEIMER: I have a second. Any other
23 discussion?

24 MR. MENSINGER: Mr. Chair, since I'm the
25 person who brought this up, I'd be more than

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2 happy to support that extension.

3 MR. RIGHEIMER: Okay.

4 MR. MCCARTHY: Mr. Chair?

5 MR. RIGHEIMER: Commissioner.

6 MR. MCCARTHY: I have a comment in support.

7 I would suggest to Miss Chen that she talk to
8 the neighbors. One of the things that we see on
9 a lot of these is the applicant, or in this
10 case, the respondent, comes back and says we're
11 working really hard with the city, and we've had
12 all this great dialogue with the city, but
13 nobody's talking to the neighbors and listening
14 to the neighbors' concerns, so I would suggest
15 that you reach out and talk to the folks that
16 are impacted by this to the best degree that you
17 can before the August 9th meeting.

18 MS. CHEN: I understand. I'll relay that.

19 MR. FITZPATRICK: Mr. Chair?

20 MR. RIGHEIMER: Commissioner Fitzpatrick.

21 MR. FITZPATRICK: I'm in support of this as
22 well. There's no need for any rush to judgment
23 here. I think that we should take this
24 opportunity to really have a good dialogue and
25 consider a lot of different options.

2 I, too, would suggest that the applicant
3 really focus on understanding what the
4 residents' issues and concerns are, because this
5 has received a tremendous amount of
6 communication on the subject, and see if we
7 can't come up with some solutions here. I've
8 been on the phone with Cal Recycle and other
9 cities to understand best practices, and visited
10 all the locations.

11 I just think that we should use this time as
12 an opportunity to try and figure out, maybe not
13 necessarily site-specific, but also kind of what
14 it is we want our city to look like now and in
15 the future around recycling, because it's such
16 an important issue and it's obviously high
17 demand. I would encourage the applicant to
18 really be looking at what the issues are and
19 what options may be available to solve those
20 issues. Thank you.

21 MR. MENSINGER: Mr. Chair?

22 MR. RIGHEIMER: Commissioner Mensinger.

23 MR. MENSINGER: Since I'm obviously the
24 commissioner that pulled this item, I want to
25 also weigh in and ask the applicant to focus in

2 on the best practices. After receiving a lot of
3 calls over the last seven months, and a lot of
4 discussions with neighbors like the gentleman
5 that just spoke, and then driving to the site
6 myself, the site certainly has a lot of room to
7 grow.

8 Clearly, it hasn't changed much since 1989
9 and we'd like to see recycling centers in the
10 city, and we'd like to see recycling centers
11 conceptually throughout the whole community,
12 because we believe in that. A lot of us,
13 Commissioner Fitzpatrick and myself, are
14 certified green consultants. The issue is not
15 the recycling, the issue is the condition of the
16 center and the effect on the surrounding
17 neighbors and best practices in the community
18 today. Thank you.

19 MR. RIGHEIMER: Okay. Seeing this is
20 started in 1992, I guess another month won't be
21 much. Call for the question.

22 THE CLERK: Motion carried 5-0.

23 MR. RIGHEIMER: All right. Thank you very
24 much. It'll be August 9.

25 [END PC MEETING ITEM 4.mp3]

C E R T I F I C A T E

I, JILL M. RAUSCH, certify that the foregoing transcript of COSTA MESA PLANNING COMMISSION MEETING, JULY 12, 2010, was prepared using standard electronic transcription equipment and is a true and accurate record.

Signature _____

A handwritten signature in cursive script, appearing to read "Jill M. Rausch", is written over a light green rectangular background. The signature is positioned above a dashed horizontal line.

Date _____

8-24-10