



# PLANNING COMMISSION AGENDA REPORT

VI.4

MEETING DATE: DECEMBER 14, 2009

ITEM NUMBER:

SUBJECT: REVIEW OF ZONING APPLICATION ZA-09-38  
MINOR CONDITIONAL USE PERMIT FOR AN ATTENDED DONATION CENTER  
(GOODWILL OF ORANGE COUNTY)  
241 EAST 17<sup>TH</sup> STREET

DATE: DECEMBER 3, 2009

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136  
WSHIH@CI.COSTA-MESA.CA.US

## DESCRIPTION

Review of Zoning Administrator's approval of a minor conditional use permit (MCUP) for the placement of a donation collection trailer in the rear parking lot.

## APPLICANT

Commissioner Sam Clark filed the review request. Casey Caston of Goodwill of Orange County is representing the property owner, Costa Mesa Retail Center, LLC.

## RECOMMENDATION

Uphold, reverse, or modify Zoning Administrator's approval of the request by adoption of Planning Commission resolution.

  
WENDY SHIH  
Associate Planner

  
KHANH NGUYEN  
Acting Asst. Development Svs. Director

## **BACKGROUND/ANALYSIS**

### ***Site Location and Project Description***

The property is zoned C1-S (Shopping Center District) and has a General Plan designation of General Commercial. The property contains a 25,500 square-foot Staples office supply store with parking lot both in front of and behind the store. It is located adjacent to Westminster Avenue (private driveway to the east) and is part of a multi-tenant commercial center containing Panera Bread, Mother's Market, and Rite Aid on the western end of the center. Parking is shared between all tenants between Orange and Westminster Avenues.

Goodwill of Orange County requests approval of a minor conditional use permit (MCUP) to occupy eight parking spaces in the rear parking lot for an attended donation center (ADC) trailer. The ADC will serve as a donation collection facility only; no items will be sold from this location.

### ***Zoning Administrator's Decision***

Following public notice of the proposed facility, staff received three letters from adjacent property manager and tenants (Attachment 7) opposing the approval of the MCUP.

The Zoning Administrator reviewed the letters and approved the MCUP based on the following:

*Excess parking is available to support the proposed use.* Based on the City's shared parking requirement for a mixed use development, a total of 338 spaces are required for the commercial center; 376 spaces are provided, resulting in 38 more spaces than that required by Code. Therefore, parking will not be impacted by the donation center occupying eight parking spaces.

*The donation center will not obstruct on-site vehicle circulation.* The trailer will be placed on the southwest (back) corner of the property and will not project onto required driveway access areas.

*The donation center will be maintained in good condition.* Attendants will be on-site to facilitate donation activities and a cleaning/pick-up crew will be on-site before and after collection hours to ensure the area surrounding the donation center is maintained in a sanitary condition, free of litter and any other items.

*Approval of the use will not create visual or noise impacts to the surrounding properties.* Conditions of approval are included to limit the collection hours to 8 a.m. to 5 p.m. and to prohibit any truck pick-up or noise from the cleaning crew between 8 p.m. and 7 a.m. for a donation collection center only (no sales will occur at this location) and to prohibit any storage of items in the parking lot. The attendants will also be responsible of ensuring the quiet enjoyment of the neighboring properties.

A Goodwill trailer had been placed in the Hi-Time Wine Cellars parking lot at 250 Ogle Street for 12 years with no complaints. The trailer had to be removed when Hi-Time expanded the store in 2006. The applicant included a letter from the general manager of Hi-Time Wine Cellars stating that the Goodwill trailer had not created any problems on the property (Attachment 8).

### ***Applications for Review and Appeal***

On November 23, 2009, Commissioner Sam Clark filed an application for review of the MCUP because he felt a review, at a public hearing, was deserved due to statements filed against the project. On November 30, 2009, Commissioner Colin McCarthy filed an application for appeal due to comments received from the public (Attachment 1):

### **GENERAL PLAN CONFORMITY**

The General Plan permits a wide range of commercial uses within the General Commercial land use designation. Therefore, approval of the MCUP for a donation collection facility would be consistent with the General Plan.

### **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Uphold Zoning Administrator's decision and approve the MCUP. This would allow the placement of a donation collection trailer in the rear parking lot as proposed, subject to conditions and Code requirements.
2. Reverse Zoning Administrator's decision and deny the MCUP. If Commission denies the application, a donation collection trailer may not be placed on the property and a similar request may not be submitted for six months.
3. Modify Zoning Administrator's decision. The Commission may modify Zoning Administrator's approval of the MCUP by adding or deleting any conditions of approval.

### **ENVIRONMENTAL DETERMINATION**

The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities. If the project is denied, it is exempt from the provisions of CEQA Section 15270(a) for Projects Which Are Disapproved.

### **CONCLUSION**

The Zoning Administrator approved the MCUP for a donation collection trailer because excess parking is available to support the use, the donation trailer will not obstruct on-site vehicle circulation, it will be maintained in good condition, and it will not create

visual or noise impacts to the neighboring properties because no outdoor storage or on-site sales will occur at this location. Commissioner Clark filed an application for review of the MCUP because he felt a review, at a public hearing, was deserved due to statements filed against the project. Commissioner McCarthy filed an application for appeal due to comments received from the public.

- Attachments:
1. Review and Appeal Application Forms
  2. Draft Planning Commission Resolutions
  3. Location/Aerial Map
  4. Plans
  5. Zoning Administrator's Approval Letter
  6. Goodwill of Orange County Description Letter
  7. Opposition Letters
  8. Hi-Time Wine Cellars Letter

Distribution: Acting Development Services Director  
Deputy City Attorney  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Casey Caston  
Goodwill of Orange County  
410 N. Fairview  
Santa Ana, CA 92703

Costa Mesa Retail Center, LLC  
c/o Burnham USA  
1100 Newport Center Drive, #150  
Newport Beach, CA 92660

Susan K. Strong  
Property Manager  
DMP Properties  
610 Newport Center Drive, #660  
Newport Beach, CA 92660

File: 121409ZA0938Appeal	Date: 1:30 p.m.	Time: 1:30 p.m.
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City of Costa Mesa

- Appeal of Planning Commission Decision/Rehearing - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name\* SAM CLARK  
 Address \_\_\_\_\_  
 Phone \_\_\_\_\_ Representing \_\_\_\_\_

REQUEST FOR:  REHEARING  APPEAL  REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

ZA-09-38

Decision by \_\_\_\_\_  
 Reasons for requesting appeal, rehearing, or review:

*Due to the number of statements against I feel the decision  
 a review*

**Received**  
 City of Costa Mesa  
 Development Services Department  
 NOV 23 2009

Date: 11/20/09 Signature: [Signature]

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.  
 \*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member.

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF \_\_\_\_\_  
 If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of  
 appeal, rehearing, or review: \_\_\_\_\_



City of Costa Mesa

- Appeal of Planning Commission Decision/Rehearing - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name\* re: ZA 09 38  
 Address 241E. 17th St.  
 Phone \_\_\_\_\_ Representing \_\_\_\_\_

REQUEST FOR:  REHEARING  APPEAL  REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

ZA 09 38

Decision by: \_\_\_\_\_  
 Reasons for requesting appeal, rehearing, or review:

Comments received from public.

**Received**  
 City of Costa Mesa  
 Development Services Department  
 NOV 30 2009

Date: 11/30/09 Signature: Colin McCarthy

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.  
 \*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:  
 If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:

ATTACHMENT 2

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING ZONING ADMINISTRATOR'S DECISION AND APPROVING ZONING APPLICATION ZA-09-38**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Casey Caston of Goodwill of Orange County, representing Costa Mesa Retail Center, LLC, with respect to the real property located at 241 East 17<sup>th</sup> Street, requesting approval of a minor conditional use permit for a donation collection trailer in the rear parking, in the C1-S zone;

WHEREAS, on November 19, 2009, the Zoning Administrator approved Zoning Application ZA-09-38;

WHEREAS, a request for review and appeal were filed by Planning Commissioners on November 23, 2009, and November 30, 2009;

WHEREAS, Planning Commission held a duly noticed public hearing on December 14, 2009, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby **APPROVES** Zoning Application ZA-09-38 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Zoning Application ZA-09-38 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable Federal, State, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 14<sup>th</sup> day of December 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"****FINDINGS (for approval)**

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
  - a. The proposed use is compatible and harmonious with uses on-site as well as those on the surrounding properties.
  - b. 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.
  - c. The proposed use is consistent with the General Plan with approval of the minor conditional use permit.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
2. The minor conditional use permit to allow a donation collection facility, subject to conditions, substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, excess parking is available to support the use (338 spaces required for the commercial center; 8 spaces for the donation center; 376 spaces provided), the donation center will not obstruct on-site vehicle circulation, it will be maintained in good condition, and it will not create visual or noise impacts to the neighboring properties because no outdoor storage or on-site sales will occur at this location. Granting the minor conditional use permits will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
3. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng. 1. Operation of the recycling collection facility shall be limited as described in the project description and in the attached applicant's letter dated October 8, 2009. Any expansion or modification of the use or hours of operation may require approval of an amendment to the minor conditional use permit.
2. Hours of operation shall be limited to 8 a.m. to 5 p.m. daily.
  3. No truck pick-up or noise from the cleaning crew shall occur anytime between 8 p.m. and 7 a.m.
  4. No outdoor storage of items in the parking lot shall be permitted at any time.
  5. The applicant shall maintain the parking lot free of litter.
  6. No items shall be sold from this location; no second-hand or pawn operations shall be permitted.
  7. The recycling collection facility shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
  8. A copy of the conditions of approval for the minor conditional use permits must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING ZONING ADMINISTRATOR'S DECISION AND DENYING ZONING APPLICATION ZA-09-38.**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Casey Caston of Goodwill of Orange County, representing Costa Mesa Retail Center, LLC, with respect to the real property located at 241 East 17<sup>th</sup> Street, requesting approval of a minor conditional use permit for a donation collection trailer in the rear parking, in the C1-S zone;

WHEREAS, on November 19, 2009, the Zoning Administrator approved Zoning Application ZA-09-38;

WHEREAS, a request for review and appeal were filed by Planning Commissioners on November 23, 2009, and November 30, 2009;

WHEREAS, Planning Commission held a duly noticed public hearing on December 14, 2009, with all persons provided an opportunity to speak for and against the proposed project.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Zoning Application ZA-09-38 with respect to the property described above.

**PASSED AND ADOPTED this 14<sup>th</sup> day of December 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (for denial)**

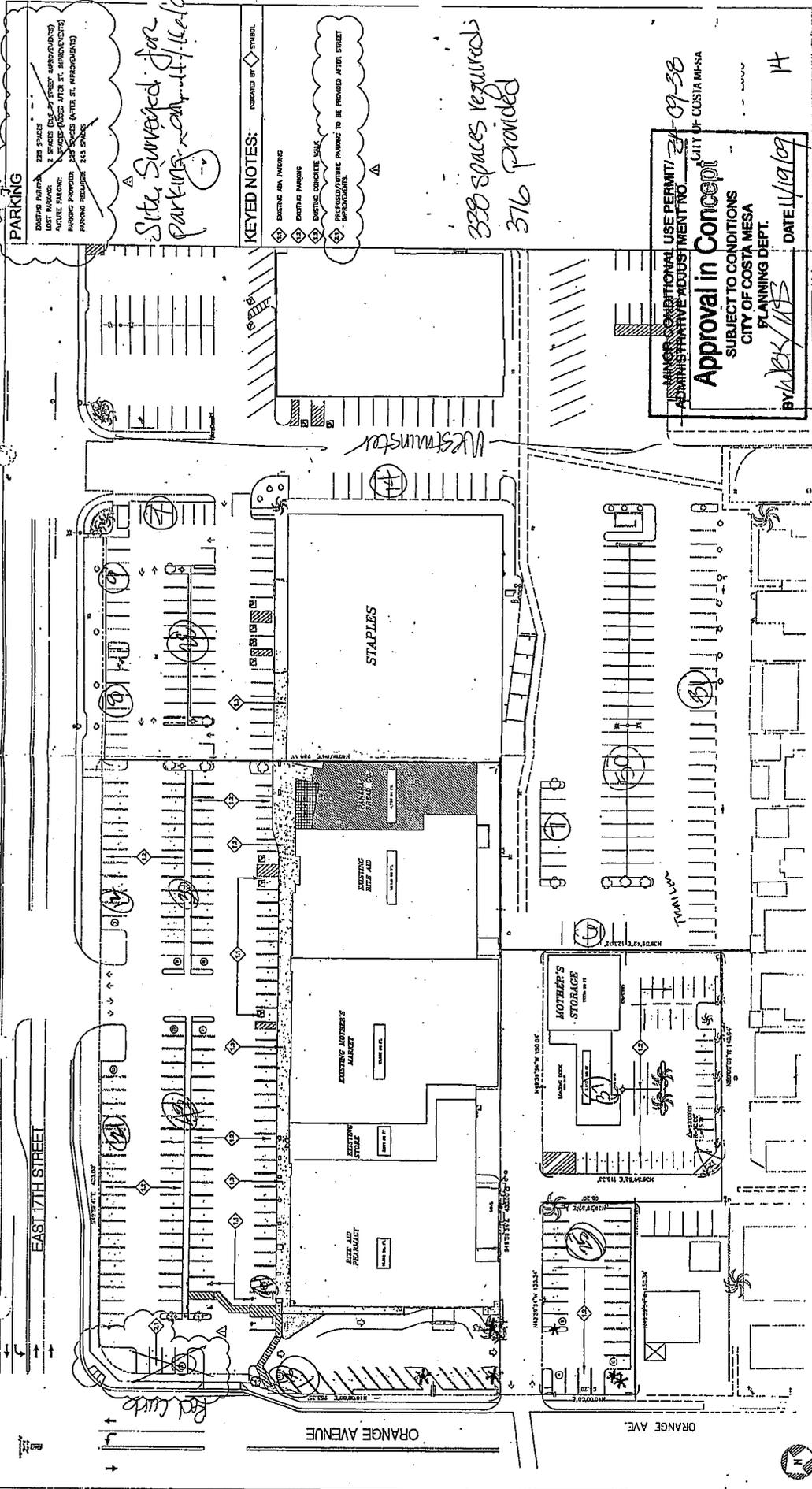
- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
  - a. The proposed use is not compatible and harmonious with uses both on site and those on surrounding properties.
  - b. The project is not consistent with the General Plan.
  
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) because the proposed use is not compatible with developments in the same general area. Granting the minor conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.
  
- C. The Costa Mesa Planning Commission has denied ZA-09-38. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.



LOCATION/AERIAL MAP



ATTACHMENT 4



**PARKING**  
 EXISTING PARKING: 234 SPACES  
 LOT 1 PARKING: 2 SPACES (SEE ST. APPROVALS)  
 FUTURE PARKING: 2 SPACES (SEE ST. APPROVALS)  
 PARKING PROVIDED: 236 SPACES (AFTER ST. APPROVALS)  
 PARKING REQUIRED: 245 SPACES

*Site Surveyed for parking on 4/14/09*

**KEYED NOTES:**  
 ◇ EXISTING AND PROPOSED PARKING  
 ◇ EXISTING CONCRETE SLAB  
 ◇ PROPOSED/FUTURE PARKING TO BE PROVIDED AFTER STREET IMPROVEMENTS

330 spaces required  
 376 provided

MINIMUM CONDITIONAL USE PERMIT/ ADMINISTRATIVE ADJUSTMENT NO. 24-09-38  
**Approval in Concept**  
 SUBJECT TO CONDITIONS  
 CITY OF COSTA MESA  
 PLANNING DEPT.  
 BY *[Signature]* DATE 4/19/09

SHEET NO:  
**A-10**  
 BAKERY CAFE  
 233 E. 17th STREET  
 COSTA MESA, CALIFORNIA

**REVISION**  
 1. PARKING WORKSHEET 1-2-09

**MEP ENGINEER**  
 C.R.H.O.  
 233 E. 17th Street  
 Costa Mesa, CA 92626  
 TEL: 714.441.1111  
 FAX: 714.441.1111

**C.R.H.O.**  
 233 E. 17th Street  
 Costa Mesa, CA 92626  
 TEL: 714.441.1111  
 FAX: 714.441.1111

**BAKERY CAFE #7777**  
 233 E. 17th STREET  
 COSTA MESA, CALIFORNIA

29-09-38

EXISTING  
RITE AID

PANERA  
BREAD CO.

STAPLES

12,136 SQ. FT.

4,756 SQ. FT.

TRAILER 8X28

N39°59'49"E 125.02'

ATTENDANT  
TO  
72 STAIRS

TRAILER/SPACE IN FRONT TO SWITCH TRAILER

8 SPACES TOTAL

P-H-O

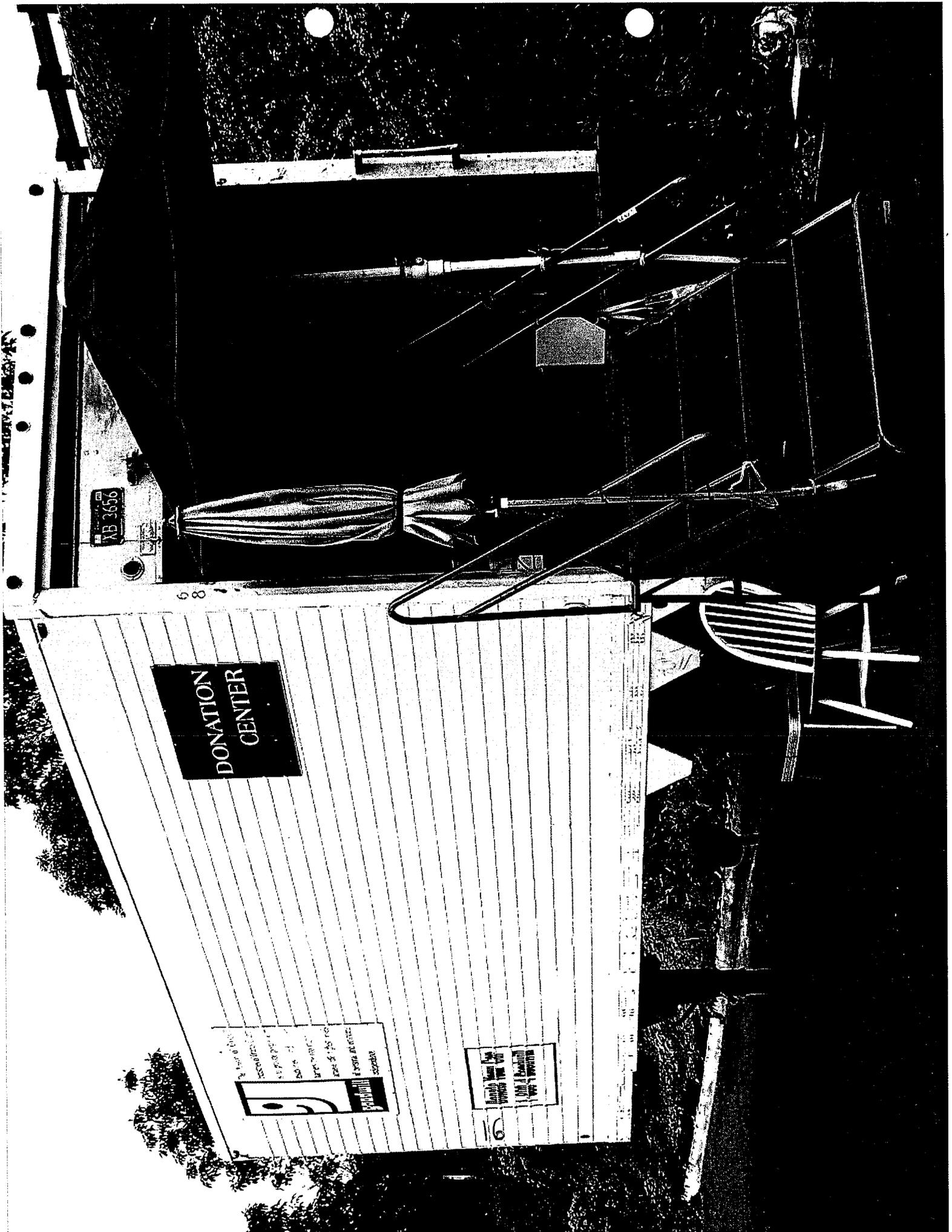
Project Name  
Project No.  
Drawing No.  
Date  
Scale

M/E/P ENGINEER:

ENCON  
4540 EL CAMINO REAL  
LOS ALTOS, CA. 94022  
PHONE: (650) 961-8095  
FAX: (650) 964-3754

REVISION

▲ PARKING REVISIONS 7-3-06





# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

ATTACHMENT 5

November 19, 2009

Casey Caston  
Goodwill of Orange County  
410 N. Fairview  
Santa Ana, CA 92703

**RE: ZONING APPLICATION ZA-09-38  
ATTENDED DONATION CENTER (GOODWILL OF ORANGE COUNTY)  
241 EAST 17<sup>TH</sup> STREET, COSTA MESA**

Dear Mr. Caston:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). Because of the Thanksgiving holiday, the decision will become final at 5 p.m. on November 30, 2009, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Wendy Shih, at 714-754-5136 between 1 p.m. and 5 p.m. or via email at [wshih@ci.costa-mesa.ca.us](mailto:wshih@ci.costa-mesa.ca.us)

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
Zoning Administrator

Attachments:      Project description  
                         Findings  
                         Conditions of approval  
                         Approved conceptual plans

cc:      Engineering  
         Fire Protection Analyst  
         Building Division

Costa Mesa Retail Center, LLC  
c/o Burnham USA  
1100 Newport Center Drive, #150  
Newport Beach, CA 92660

Susan K. Strong  
Property Manager  
DMP Properties  
610 Newport Center Drive, #660  
Newport Beach, CA 92660

## **PROJECT DESCRIPTION**

### ***Project Location***

- The property is zoned C1-S (Shopping Center District) and has a General Plan designation of General Commercial.
- The property contains a 25,500 square-foot Staples office supply store with parking lot both in front of and behind the store. It is located adjacent to Westminster Avenue (private driveway to the east) and is part of a multi-tenant commercial center containing Panera Bread, Mother's Market, and Rite Aid on the western end of the center. Parking is shared between all the tenants between Orange and Westminster Avenues.

### ***Proposed Use***

- The applicant proposes to occupy eight parking spaces in the rear parking lot for the placement of an attended donation center (ADC) trailer for Goodwill of Orange County. The ADC will serve as a donation collection facility only; no items will be sold from this location.
- The donation center will have attendants on-site to collect items between 8 a.m. and 5 p.m. daily.
- A minor conditional use permit is required for a donation collection facility in the C1-S zone.

### ***Analysis***

- Staff supports the proposed use for the following reasons:
  1. Excess parking is available to support the proposed use. Based on the City's shared parking requirement for a mixed use development, a total of 338 spaces are required for the commercial center; 376 spaces are provided, resulting in 38 more spaces than that required by Code. Therefore, parking will not be impacted by the donation center occupying eight parking spaces.
  2. The donation center will not obstruct on-site vehicle circulation. The trailer will be placed on the southwest (back) corner of the property and will not project onto required driveway access areas.
  3. The donation center will be maintained in good condition. Attendants will be on-site to facilitate donation activities and a cleaning/pick-up crew will be on-site before and after collection hours to ensure the area surrounding the donation center is maintained in a sanitary condition, free of litter and any other items.
  4. Approval of the use will not create visual or noise impacts to the surrounding properties. Conditions of approval are included to limit the collection hours to 8 a.m. to 5 p.m. and to prohibit any truck pick-up or noise from the cleaning crew between 8 p.m. and 7 a.m. for a donation collection center only (no sales will occur at this location) and to prohibit any storage of items in the parking lot. The attendants will also be responsible of ensuring the quiet enjoyment of the neighboring properties.

## **FINDINGS**

1. The information presented substantially complies with Section 13-29(e) of the Costa Mesa Municipal Code in that:
  - a. The proposed use is compatible and harmonious with uses on-site as well as those on the surrounding properties.
  - b. 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.
  - c. The proposed use is consistent with the General Plan.
  - d. The planning application is for a project-specific case and does not establish a precedent for future development.
2. The minor conditional use permit to allow a donation collection facility, subject to conditions, substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, excess parking is available to support the use (338 spaces required for the commercial center; 8 spaces for the donation center; 376 spaces provided), the donation center will not obstruct on-site vehicle circulation, it will be maintained in good condition, and it will not create visual or noise impacts to the neighboring properties because no outdoor storage or on-site sales will occur at this location. Granting the minor conditional use permits will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
3. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301 for Existing Facilities.
4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## **CONDITIONS OF APPROVAL**

- Plng. 1. Operation of the recycling collection facility shall be limited as described in the project description and in the attached applicant's letter dated October 8, 2009. Any expansion or modification of the use or hours of operation may require approval of an amendment to the minor conditional use permit.

2. Hours of operation shall be limited to 8 a.m. to 5 p.m. daily.
3. No truck pick-up or noise from the cleaning crew shall occur anytime between 8 p.m. and 7 a.m.
4. No outdoor storage of items in the parking lot shall be permitted at any time.
5. The applicant shall maintain the parking lot free of litter.
6. No items shall be sold from this location; no second-hand or pawn operations shall be permitted.
7. The recycling collection facility shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or operator shall institute whatever security and operational measures are necessary to comply with this requirement.
8. A copy of the conditions of approval for the minor conditional use permits must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.

### **CODE REQUIREMENTS**

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Approval of the zoning application is valid for one (1) year from the effective date of this approval and will expire at the end of that period unless applicant establishes the use by obtaining a business license and/or legally establishes the use. If the applicant is unable to establish the use or obtain a business license within the one-year time period, the applicant may request an extension of time. The Planning Division must receive a written request for the time extension prior to the expiration of the zoning application.
2. Once the use is legally established, the zoning application herein approved shall be valid until revoked. The Development Services Director or his designee may refer the zoning application to the Planning Commission for modification or revocation at any time if, in his opinion, any of the following circumstances exist: 1) the use is being operated in violation of the conditions of approval; 2) the use is being operated in violation of applicable laws or ordinances or 3) one or more of the findings upon which the approval was based are no longer applicable.
3. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
- Bus.  
Lic. 4. A business license shall be obtained prior to the initiation of the business approved under this application.

ATTACHMENT 6

Goodwill of Orange County  
410 N. Fairview  
Santa Ana, Ca 92703

October 8, 2009

City of Costa Mesa  
Development Services Department  
77 Fair Dr.  
Costa Mesa, Ca 92628

Dear Planning Commission:

This letter is to express our intent in placing an Attended Donation Center (ADC) trailer in the parking lot behind the Staples Store at 241 E. 17<sup>th</sup> Street. The parcel number is: 425-203-16. The ADC will be staffed with attendants to collect donated goods 7 days a week from the hours of 8am-5pm. We provide a nightly cleaning crew to ensure the area surrounding the donation center is kept clean.

There is an agreement in place between Burnham USA (owner of property) and Goodwill of Orange County, specifying a 12 month commitment, renewable every year based on an acceptable review.

These donated goods provide us the opportunity to employ people with disabilities and other barriers to reach their highest levels of personal and economic independence. For over 85 years we have been serving the community in this capacity.

The benefits that follow placing an ADC site include; lower crime since we have our attendants monitoring the lots, work towards increasing the City's landfill diversion, and provide increased exposure to the retail center.

Included in this packet are all the necessary documentation to be presented to the planning commission. I have also included supporting information regarding our ADC program and a letter of endorsement. If there are any additional questions, please feel free to contact me at (714) 415.8192 or via email at [caseyc@ocgoodwill.org](mailto:caseyc@ocgoodwill.org).

Thank you for your support.

Sincerely,



Casey Caston

Encl: Check for application fee; Attended donation center facts; Attended donation center locations; Goodwill attended donation slide packet; Letter of recommendation from Hi-Time Cellars.

## Goodwill Attended Donation Center Locations

### **Corona Del Mar / Newport**

*St. Michael and All Angels Church*  
3233 Pacific View Dr. at Marguerite  
8 a.m. – 5 p.m.

### **Fountain Valley**

*Alta Dena Express*  
9080 Talbert Ave. at Magnolia  
8 a.m. – 5 p.m.

### **Irvine**

*Light of Christ Church*  
18182 Culver Dr. at Sandberg  
7 a.m. – 7 p.m.

### **Laguna Niguel**

30252 Crown Valley Pkwy  
(behind Vons)  
Crown Valley at Alicia Parkway  
7 a.m. – 7 p.m.

### **Lake Forest**

23740 El Toro Rd (The Orchard)  
8 a.m. – 5 p.m.

### **Laguna Woods**

*United Methodist Church*  
(back parking lot)  
24442 Moulton Pkwy. At El Toro  
8 a.m. – 5 p.m.

### **Los Alamitos**

4961 Katella Ave  
Los Alamitos Race Track  
8 a.m. – 5 p.m.

### **Mission Viejo**

*Mission Viejo Village Center*  
(behind Big Lots!)  
27142 La Paz at Marguerite Pkwy  
8 a.m. – 5 p.m.

### **Mission Viejo**

23871 Via Fabricante, Suite 401 & 402  
(off Alicia Pkwy)

### **San Clemente**

*St. Andrews By The Sea Church*  
2001 Calle Frontera  
8 a.m. – 5 p.m.

### **Yorba Linda**

*Von's*  
4848 Valley View at Yorba Linda  
7 a.m. – 7 p.m.

### **Yorba Linda**

*Yorba Canyon Center*  
21540 Yorba Linda Blvd.  
8 a.m. – 5 p.m.

Donations are also accepted at our 18 stores

## Goodwill Industries of Orange County

### Attended Donation Center Facts

- Goodwill is one of the top ten most recognized brands in the world.
- Goodwill Industries of Orange County was established in 1924.
- Goodwill donation centers are low impact and are conveniently located in busy shopping centers, parking lots, and church campuses.
- Attendant on duty keeps site clean, and provides minimum security.
- Over 930,000 people donated merchandise at Goodwill Attended Donation Centers in 2008.
- Donors are 30-70 years of age who know that their used goods are going to a trusted source.
- Goodwill helps cities meet material goods recycle and re-use requirements and make a positive effect to landfill diversion.
- Goodwill's e-waste program recycled more than 5.0 million pounds of hazardous e-waste in 2008.
- Liability insurance is paid by Goodwill.
- In 2008, Goodwill Industries of Orange County's 19 retail stores generated \$34 million in revenue.
- Goodwill Industries of Orange County's retail revenues fund vocational programs for people with disabilities and other barriers to independence.
- Goodwill's net assets are over \$22 million.
- Goodwill Industries of Orange County employed more than 1,549 people in 2008.

**The mission of GIOC is to provide people with disabilities and other barriers the opportunity to achieve their highest levels of personal and economic independence**

SHIH, WENDY

**From:** Susan Strong [susan@dmpproperties.com]  
**Sent:** Friday, November 13, 2009 5:13 PM  
**To:** SHIH, WENDY; BOUWENS-KILLEEN, WILLA; LEE, MEL  
**Cc:** VETURIS, HILDA; Dan Perlmutter; Mark Perlmutter  
**Subject:** Application No. ZA-09-38

**ATTACHMENT 7**

Dear Costa Mesa Zoning Administrator:

As the Property Manager for a large portion of the Mesa Center, I would like to formally and ***strongly*** object to the placement of any sort of donation center (i.e., trailer, bin or container) in the parking lot of the shopping center. We have worked very hard to clean-up this area and eliminate any type of disturbance to our tenants' businesses and the surrounding neighborhood at significant expense to both the property owners and our tenants. These donation centers have a tendency to attract the homeless, pan-handlers and solicitors as well as unwanted dumped items at the donation center and other areas of the entire property.

Mitt Seely has worked with me for years regarding the on-going problems of dumped items at Mesa Center. We are finally having fewer issues due to the immediate removal of trash/dumped items, diligent surveillance by our parking lot patrol and the removal of the old Goodwill trailer that used to be in the Hi Time Wines parking lot.

On an on-going basis, we still have to remove homeless that solicit at the shopping center and some that "camp out" in areas of the property. But, if a donation center is allowed, it will only get worse because there will be an additional attraction for them. People will leave items outside the donation trailer when they cannot get it inside. This in turn will not only be unsightly but also encourage unwanted persons to tear open bags, look through boxes and make a mess in general. We already have this problem with the trash dumpsters and exposed items around the donation center would be very tempting for their "shopping".

Do not jeopardize the progress we have made through our previous efforts by allowing the placement of a donation center at Mesa Center. Yes, it would cause more work and frustration for our office but mostly it would harm our tenants, their businesses and the surrounding neighborhoods. These are the constituents that the City of Costa Mesa is supposed to help protect. As the Zoning Administrator, please act in such a manner and deny Application No. ZA-09-38.

Thank you.

***Susan K. Strong***  
Property Manager  
DMP Properties  
610 Newport Center Dr., #660  
Newport Beach, CA 92660  
949-720-8166 x223  
949-720-8184 fax

ZA-09-38  
Decision Date: 11-19-09

**From:** paul.burnett@surfsidesports.com [mailto:paul.burnett@SURFSIDEMAILORDER.com]  
**Sent:** Monday, November 16, 2009 1:39 PM  
**To:** PLANNING COMMISSION  
**Cc:** susan@dmpproperties.com  
**Subject:** Application ZA-09-38

Dear Planning Commission,

On behalf of Surfside Sports, located at 233 E. 17th Street, I respectfully request that this application by Goodwill of Orange County be denied.

Our store alone has 45 employees, all of who park in the lot in question. There are times during any one day when it is difficult already to find a free parking spot back there. It becomes even more congested on weekends.

The lot in question, while lighted at night, is not visible from 17th Street. As such, there are times when we already have the problems of people dumping everything from wooden pallets to old sofas behind our store. That is exactly what will happen when the "Goodwill Trailer" is not manned.

In addition, when Goodwill tells someone that they cannot accept their "Donation", what do these people do with the items? Too often they look for the closest place to get rid of the stuff. We have had face-offs with people dumping stuff in our trash dumpster in broad daylight. With a "Goodwill Trailer" nearby, I know the problem will get worse.

So, between the parking issues we already face and the anticipated trash problems, I must respectfully request that this application be denied.

Paul Burnett  
Surfside Sports  
949 645-4624

ZA-09-38  
Decision Date: 11-19-09

**From:** Deborah Rubino [mailto:customerservice@mothersmarket.com]  
**Sent:** Wednesday, November 18, 2009 12:55 PM  
**To:** VETURIS, HILDA; PLANNING COMMISSION  
**Subject:** Minor CPU - Costa Mesa

To Whom it May Concern:

Mother's Market & Kitchen supports the efforts in our community to recycle; however, we believe there are many avenues for donations within a couple mile radius of the 200 block of E. 17<sup>th</sup> Street. We make food donations to Share Our Selves located on Superior and they accept many of the clothing and recyclable equipment donations that the Goodwill and Salvation Army accepts. There is a Goodwill donation center at 620 W. 19<sup>th</sup> Street and a Salvation Army store at 2621 Harbor Blvd.

We take great pride in keeping the parking lot clean and landscaped. We are sensitive to the residents whose property is at the perimeter and in the past we have paid to have unwanted items removed from the parking lot. The trailer would encourage the "dumping" of couches, refrigerators and other items that are *not reusable* due to their condition. We also want to encourage center customers to use the parking that is located behind our market and our fellow center tenants' businesses. We do not support the location of a Goodwill Trailer in our retail center.

Thank you for your consideration,  
Deborah Rubino

**Mother's Market & Kitchen**

Deborah Rubino  
225 E. 17th St.  
Costa Mesa, Ca 92627  
[customerservice@mothersmarket.com](mailto:customerservice@mothersmarket.com)  
(949) 631-4741 ext. 2347



# Hi-Time Wine Cellars

www.hitimewine.com

250 OGLE STREET, COSTA MESA, CALIF. 92627  
(949) 650-8463 • (800) 331-3005 • FAX (949) 631-6863

Ann Martin  
VP Sales and Operations  
Good Will of Orange County  
410 N. Fairview  
Santa Ana, Ca 92703

Dear Ms. Martin:

This letter is to let you know that we have enjoyed our relationship with your company over the last 12 years. We want to let any business in the area know that this is a great way to help the community by recycling and giving jobs to local people. Having your trailer on our site has brought many new customers to our store; they were dropping off items and decided to check out our business. The person who works at our goodwill station is very conscientious at keeping everything clean, and helping people when they come by, he has also let us know if he sees any problems in the parking lot. We do get some people dropping out stuff at night, but your employee's are very good about getting everything picked up first thing in the morning. We are sorry to have you move, but because of our expansion we need the parking spaces to comply with city regulations. We hope you are able to find another business in Costa Mesa for your trailer, and I would be very happy to talk to any property owners about any of their concerns.

Sincerely,

A handwritten signature in cursive script that reads "Diana Hirst".

Diana Hirst  
General Manager  
Hi-Time Wine Cellars