



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: MAY 10, 2010

VI. 1
ITEM NUMBER:

SUBJECT: REVIEW OF ZONING ADMINISTRATOR'S DENIAL OF TRASH ENCLOSURE WAIVER
1540 CORIANDER DRIVE

DATE: APRIL 29, 2010

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, AICP
ZONING ADMINISTRATOR
714.754.4952 WBOUWENS-KILLEEN@CI.COSTA-MESA.CA.US

DESCRIPTION

A request by City Council member Katrina Foley for Planning Commission to review Zoning Administrator's denial of waiver from City trash enclosure requirements.

APPLICANT

The property owner is Derek Davis.

RECOMMENDATION

Uphold, reverse, or modify the Zoning Administrator's decision.



WILLA BOUWENS-KILLEEN, AICP
Zoning Administrator



KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

The property contains a fourplex constructed in 1964. The 35 properties along Coriander Drive were approved with the same fourplex design as the subject property. (Although the subject property owner has referred to the "Spice Tract" in his written comments regarding the enclosure requirement and submitted to City Council on April 6, 2010, Coriander Drive's street layout and unit design differs from the remainder of the "Spice Tract" [Caraway Drive, Coral Avenue, Cassia Avenue, Ginger Avenue, Mace Avenue, and Wintergreen Place] so only properties along both sides of Coriander Drive are considered as part of this discussion). Plans do not show trash enclosures.

In 2005, City Council amended Title 20 – the Property Maintenance Code -- requiring the enclosure of all existing trash dumpsters throughout the City. To facilitate the provision of the enclosures, Council included wording in the Code that waived the need for a variance if the enclosure occupied required parking, landscaping and/or open space. As of the end of 2009, 315 existing trash dumpsters had been enclosed throughout the City.

In February 2010, Code Enforcement sent letters to all property owners on the north side of Coriander Drive notifying them of the requirement to construct a trash enclosure on their private property and to relocate their dumpsters from the public alley into the enclosure. Due to existing improvements at 1540 Coriander Drive, an open parking space would be lost to accommodate the trash enclosure. (The property owner has enclosed an area under the staircase/balcony on the east side of the building which other property owners have used to provide the enclosure; the remainder of the property adjacent to the alley is occupied by parking spaces. See Attachment 4.)

Concern with the loss of on-site parking and consequent potential impacts when the entire neighborhood complies with the enclosure requirement prompted the property owner to request a waiver of the trash enclosure requirement; on March 30, 2010, the Zoning Administrator denied his request. Council member Katrina Foley called the item up for review on April 6, 2010.

ANALYSIS

When the fourplexes were constructed, each building contained four units: one-three bedroom unit and three-two bedroom units; eight parking spaces per building – two spaces per unit -- were provided (five garages and three open spaces). Current Code requires 13 spaces per building. Overflow parking occurs on both sides of Coriander Drive. The fourplexes are individually owned, with approximately 31 property owners for the 35 properties.

Although provided parking is nonconforming, staff determined that all required parking is not being used by the tenants for parking of operative vehicles. Enclosed garages are very often used for storage of a tenant's personal items rather than their operative vehicles. Code Enforcement is unable to enforce this provision; it is the property owner's responsibility to ensure that garages remain available for parking of the tenant's operative vehicles. Furthermore, it is evident that tenants are storing trailers, inoperative vehicles, and recreational vehicles in both required parking as well as the tandem parking spaces provided by some of the Coriander Drive property owners. Although it is the property owner's responsibility to ensure

this does not occur, Code Enforcement can enforce removal of these items and has begun to do so.

The trash dumpsters have been – and continue to be – stored in the public alley; this is not permitted. Consequently, even if Planning Commission overturns the Zoning Administrator's denial of the waiver, the Coriander Drive property owners will still need to relocate their trash dumpsters onto their private property.

This requirement has been enforced in other areas of the City with similar parking and access configurations. For instance, in the Fillmore/Coolidge area – which contains triplexes with one garage space and one open parking space per unit all accessed from a rear public alley -- property owners have provided trash enclosures for existing dumpsters as required by Code.

Additional Discussion

The City has approached the Apartment Association of Orange County, who will work with the City to encourage apartment property owners to require their tenants to use the garages and open parking spaces for parking of operative vehicles. Furthermore, for neighborhoods similar to Coriander Drive, Planning and Code Enforcement staffs will initiate a policy of working together to formulate potential locations for trash enclosures before beginning enforcement. This will ensure consistency in the location of the enclosures throughout the neighborhood.

Commissioner Mensinger also expressed concern with the materials that are allowed to enclose the relocated dumpsters. For your information, Attachment 6 contains handouts for the construction of trash enclosures, including materials, for both new developments and the enclosure of existing dumpsters.

ALTERNATIVES

Planning Commission may consider the following alternatives:

1. Uphold the Zoning Administrator's denial of the waiver, requiring the property owner to construct a trash enclosure; or
2. Reverse the Zoning Administrator's denial of the waiver. The property owner would still be required to relocate the dumpster onto private property but it would not have to be screened; or
3. Modify the Zoning Administrator's decision.

FISCAL REVIEW

Fiscal review is not required for this item.

LEGAL REVIEW

Legal review is not required for this item.

ENVIRONMENTAL REVIEW

No environmental review is required for this item.

CONCLUSION

In a continuing effort to improve the appearance of the city, Council adopted a Code provision that requires the screening of all existing trash dumpsters throughout the City. Parking impacts resulting from the potential loss of an open parking space can be offset if all the property owners in the neighborhood ensured that all garage and open parking spaces are used for the parking of operable vehicles. Trash dumpsters are not permitted in the public alley; consequently, regardless of Planning Commission's decision, the property owners will have to relocate the trash dumpsters onto their private property.

- Attachment 1 – Review request
- Attachment 2 – Property owner's justification
- Attachment 3 – Zoning Administrator's denial of waiver
- Attachment 4 – Site plan
- Attachment 5 – Airphoto of property
- Attachment 6 – Trash enclosure standards
- Attachment 7 -- Resolution

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

Derek Davis
363 Vista Baya
Newport Beach, CA 92660-3635

| | | |
|----------------------------------|--------------|-----------------|
| File: 0510101Review1540Coriander | Date: 042910 | Time: 8:30 a.m. |
|----------------------------------|--------------|-----------------|

Attachment 1



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* Council Member Katrina Foley
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.)

*April 1, 2010 - Zoning Administrator denial of waiver request to enclose a trash dumpster at 1540 Coriander Drive.
Applicant: Derek Davis (213) 276-0566*

Decision by: Zoning Administrator

Reasons for requesting appeal, rehearing, or review:

[Redacted area]

Date: April 6, 2010

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:

5 received by Kimberley Brandt on April 6, 2010.

Attachment 2

Trash Enclosures and the Spice Tract

4-6-10
Submitted to
City Council
on April 6,
2010.

Honorable Council Member, Commissioners and City Manager:

We have reached an impasse.

My name is Derek Davis. My neighbor, Joe Panarisi, and I are working together on an issue that is affecting apartment buildings that we own on Coriander Drive and the spice tract. It has to do with the implementation of Municipal Code 20-7j related to trash enclosures and how it will affect parking. Each new enclosure eliminates a parking space. We have been working with the Code Enforcement Department; however, they feel that they are under a mandate by the City Council to implement this code section with no exceptions. We recently reached out to Council Member Foley and Mayor Mansoor. While Council Member Foley encouraged staff to work toward a reasonable solution that has not been communicated down to the Code Enforcement staff level- they still believe they have a mandate. We have tried to work through normal City channels but have reached an impasse. As a result, we are reaching out to you with the hope that we can engage City executives to fully air this issue. Mr. Panarisi asked me to include you. Joe and I believe that this will negatively impact our neighborhood as we have explained below. Joe and I are not trouble makers, we are good citizens, but we have been energized by the negative impact 20-j7 will have on our residents. This is not a monetary issue; it is a quality of life issue for the residents in our buildings. In a sound bite, we believe that people are more important than trash cans.

Please consider the following.

Executive Summary:

The spice streets which are located off Harbor Blvd adjacent to the Harbor Rest Memorial Park is a tract made up of 3 streets and 4 half streets containing about 100 buildings. Under current Costa Mesa parking standards as set by the Development Services Department, the area is short about 400 parking spaces. There is a parking problem now. With the implementation of 20-7j there will be the loss of another 100 parking spaces.

Testimonials:

Here are some testimonials from residents. The woman that currently has to carry her groceries half a block because there's no parking room at her building. The guy that parks his car at the McDonalds lot on Harbor Blvd. because a newly installed trash enclosure took his parking space. The mother with kids who comes home after 7PM and has to park a block away and walk through the night frightened because there are homeless people walking around. The tenant that complained that they will have a dumpster next to their bedroom window. The resident that complained that the dumpster was going under their living room window and will smell in the summer when they have to leave their windows open. The resident that is concerned that the relations with her neighbors will deteriorate because they will fight over parking spaces. One of the owners commented that Costa Mesa is trying to force a 21st century urban planning concept on an area that was designed and built in the 1960's without understanding the consequences.

Background Information:

To refresh the facts, the trash enclosure issue came out of the Westside Revitalization Plan that was developed in 2005. On August 22, 2005 there was a public hearing for consideration of an ordinance of the City Council amending Title 20 of the Costa Mesa Municipal Code regarding trash dumpster/bins and trash enclosures. Then Principal Planner Kimberly Brandt reviewed the

information in a staff report and gave a presentation. Commissioner Garlich asked why the ordinance was not applied citywide. Ms. Brandt explained that the genesis of this ordinance was from the City Council's Westside Revitalization Plan and a particular strategy that was limited to the Westside, however, if the Planning Commission was interested in having the ordinance applied citywide, it could become a part of the Commission's recommendation to the City Council.

In summary, it appears that this ordinance was given a public hearing to Westside residents and then applied to the entire City as an after thought. As far as I could find the only other notice that was given to residents and property owners was in the minutes of the City Council meeting from October 4, 2005 when the ordinance was approved. "This Ordinance shall take effect in full force thirty (30) days from and after the passage thereof and prior to the expiration of fifteen (15) days from its passage shall be published once in the Orange Coast Daily Pilot, a newspaper of general circulation, printed and published in the City of Costa Mesa or, in the alternative, the City Clerk may cause to be published a summary of this Ordinance and a certified copy of the text of this Ordinance shall be posted in the office of the City Clerk five (5) days prior to the date of adoption of this Ordinance..." I could not find evidence of a posting in the Orange County Pilot, so it is conceivable that the only notice was posted in the Clerk's office for an ordinance that affected the entire City. I believe this is why all the owners that we have talked with on my block are shocked to find out that this ordinance exists.

The ordinance as originally presented by Ms. Brandt to the Planning Commission on August 22, 2005 included the language, "The provision of a trash enclosure or screen may result in the loss of required parking spaces, landscaping, and/or open space without approval of a variance from development standards". Commissioner Egan and Commissioner Garlich required additional language to the ordinance to "Consider hardship language in cases where trash enclosures/bins may require the use of existing, on-site parking spaces and could cause commercial/industrial/multifamily areas to lose parking already accounted for". The Commissioners had the wisdom to realize that a "one size fits all" approach would not be practical or prudent in Costa Mesa. They specifically required that an accommodation be left for areas that would be stressed by this ordinance. Presently, the Development Service Department believes that there is no latitude in granting exceptions. They do not believe they have the City Council authority to look at a tract or neighborhood. Rather they have requested that each property owner submit an individual request for waiver. The criterion of the waiver review process brings into consideration, if there is physical space to build an enclosure. If there is physical space then the waiver is denied, regardless of the consequences, i.e. how would it impact parking or the neighborhood. In the spice tract area the stated logic from the Development Services Department appears to be that owners installed enclosures in another area of the City so the spice streets have to install them. This approach ignores the uniqueness of the tract and that special circumstances may exist.

Specific Request:

With the Development Services Department's hands tied, it is critical that we reach out to the City policy setters to appeal for some reason. Because there was no impact study or negative declaration ever considered when this ordinance was passed, nor has the Development Services Department considered the impact of this ordinance on the spice tract, we request the following:

1. Immediately stop enforcement of the ordinance and enter a moratorium or cooling off period in which to evaluate the impact on the entire tract and not just one building at a time.
2. If the Development Services Department has done a study on the area and concluded that the spice tract will not be negatively impacted by 20-j7, please share that with the owners and residents. It will go a long way to reducing frustration and anxiety.

3. If it is ultimately decided that the tract can live with the negative impact and enclosures have to be installed, request the Development Services Department provide some leadership to the area owners on the placement of enclosures. The Department has some guidelines related to the building materials to be used, but not guidance on placement which would minimize the negative impact on parking. This may require specific sight visits by qualified City employees. Currently, all the enclosures that have been installed on the north side of Coriander have eliminated parking spaces.

4. Adjust the approach to the area owners. Many of the owners have been long time residents of Costa Mesa and have deep connections with the City, its organizations and social groups. The Coriander trash situation has existed for 45 years. The intimidating tone of the code enforcement letters with threats of citations and referral to the courts demanding that the problem be fixed within 14 days does not sit well and is unnecessary. If anything, the reaction was the City is out of touch with its constituents.

Summary:

We believe there was a rush to judgment based on a problem that was unique to the Westside in 2005. In making this a citywide ordinance there was not sufficient public exposure and sufficient sensitivity to issues such as parking. Residents are finding out about this Ordinance for the first time as the code violation notices go from the Code Enforcement Department. While the Planning Commissioners had the wisdom in 2005 to install administrative tools in the ordinance for exceptions, the Development Services Department believes their mandate is for compliance regardless of the consequences. We appreciate that the Code Enforcement Department is doing their job, but without some higher intervention we cannot have a reasonable dialogue and avoid what appears to be a pending urban planning disaster.

Quick Action Required:

I apologize for the length and urgency of this e-mail. The window is closing quickly on making a positive outcome of this situation. The Development Service Department has aggressively pursued enforcing Municipal Code Section 20-7j. Each day more parking spaces are being lost.

Thank you for your consideration.

Respectfully,

Derek Davis
213-276-0566
Joe Panarisi
714-349-2334

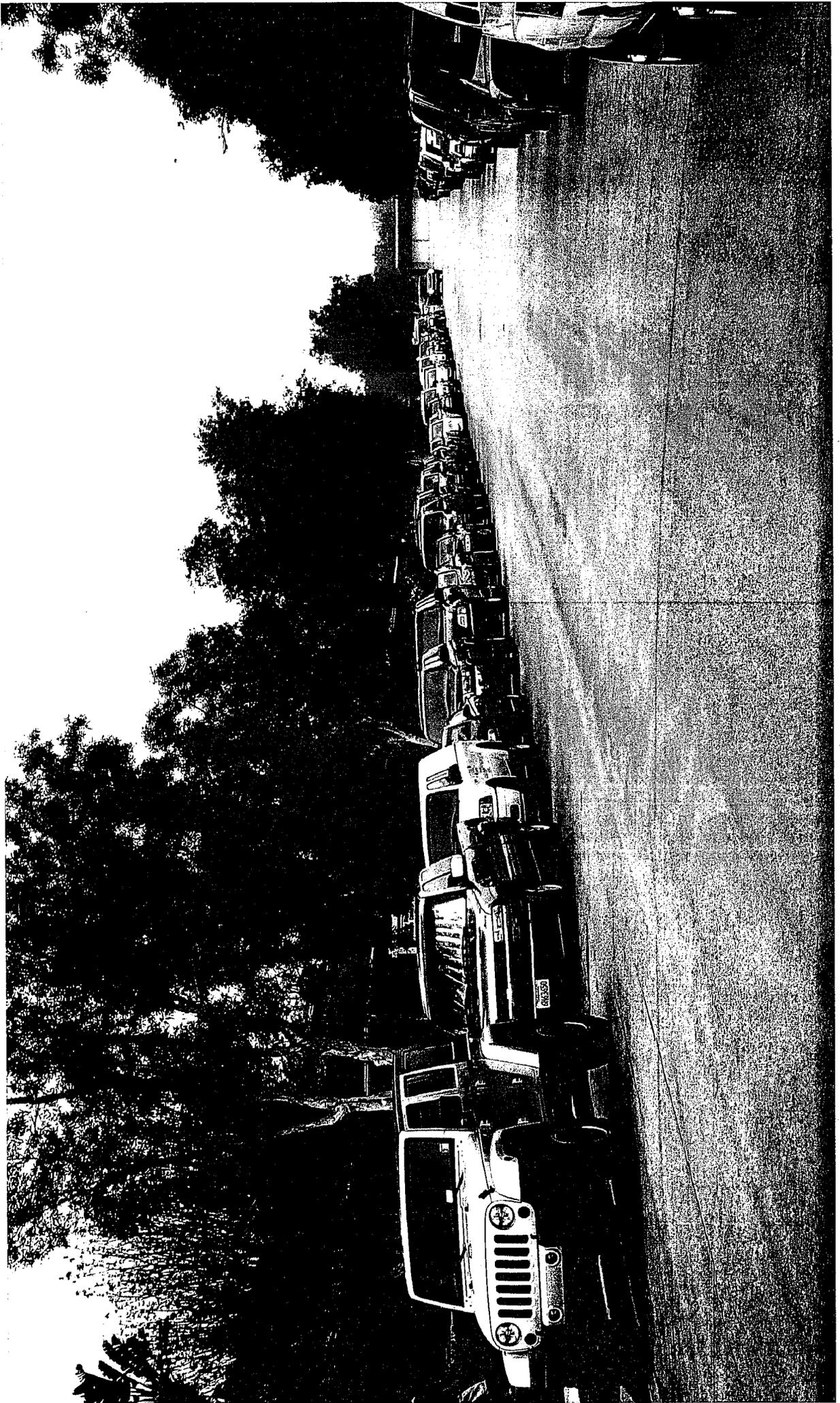
PS. If your computer has enough memory, let me know and I will send you some digital images of the parking situation now. It will get significantly worse after the implementation of 20-j7.

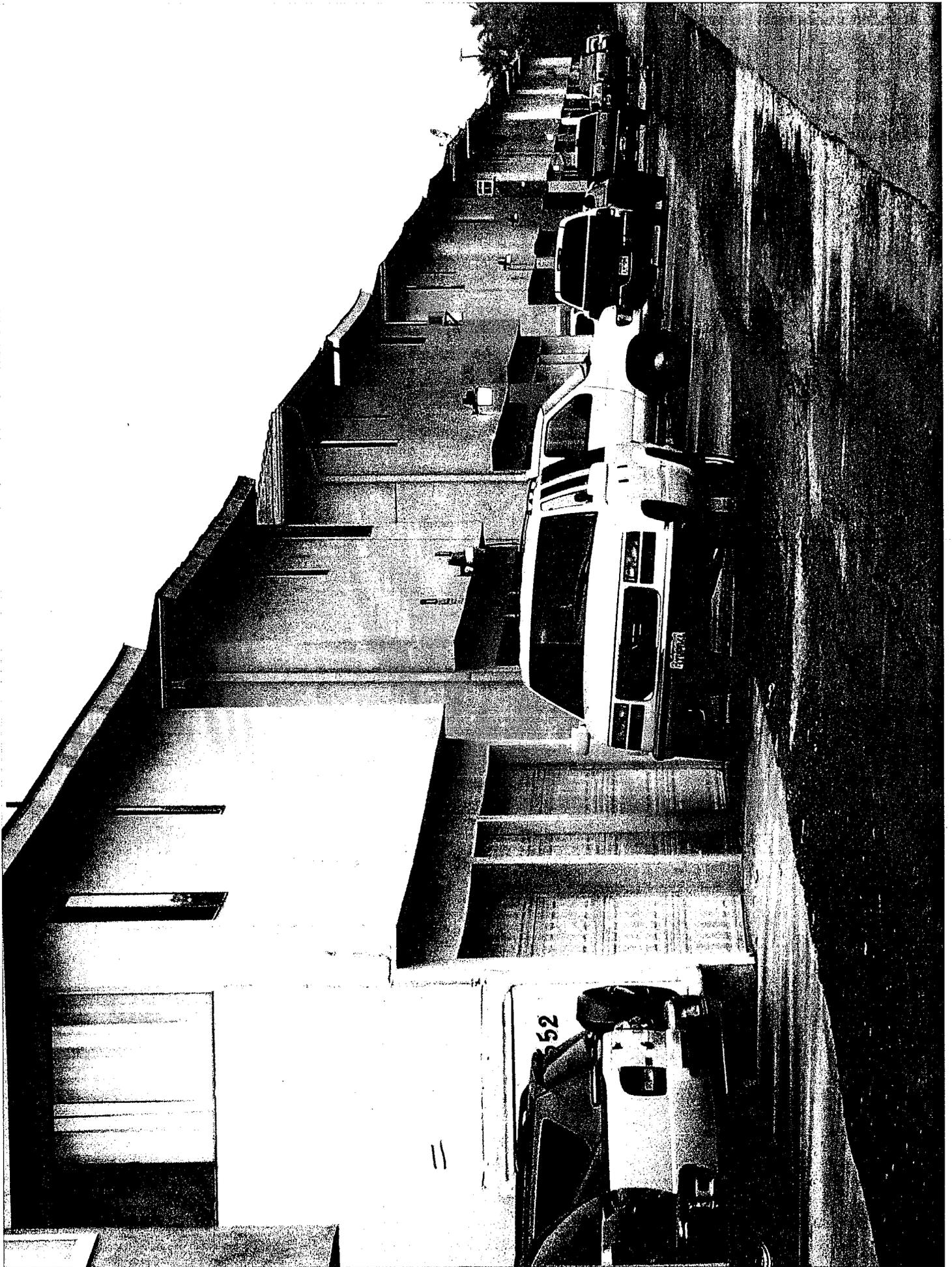
Ariel View Of North Coriander and Spice Streets.JPG



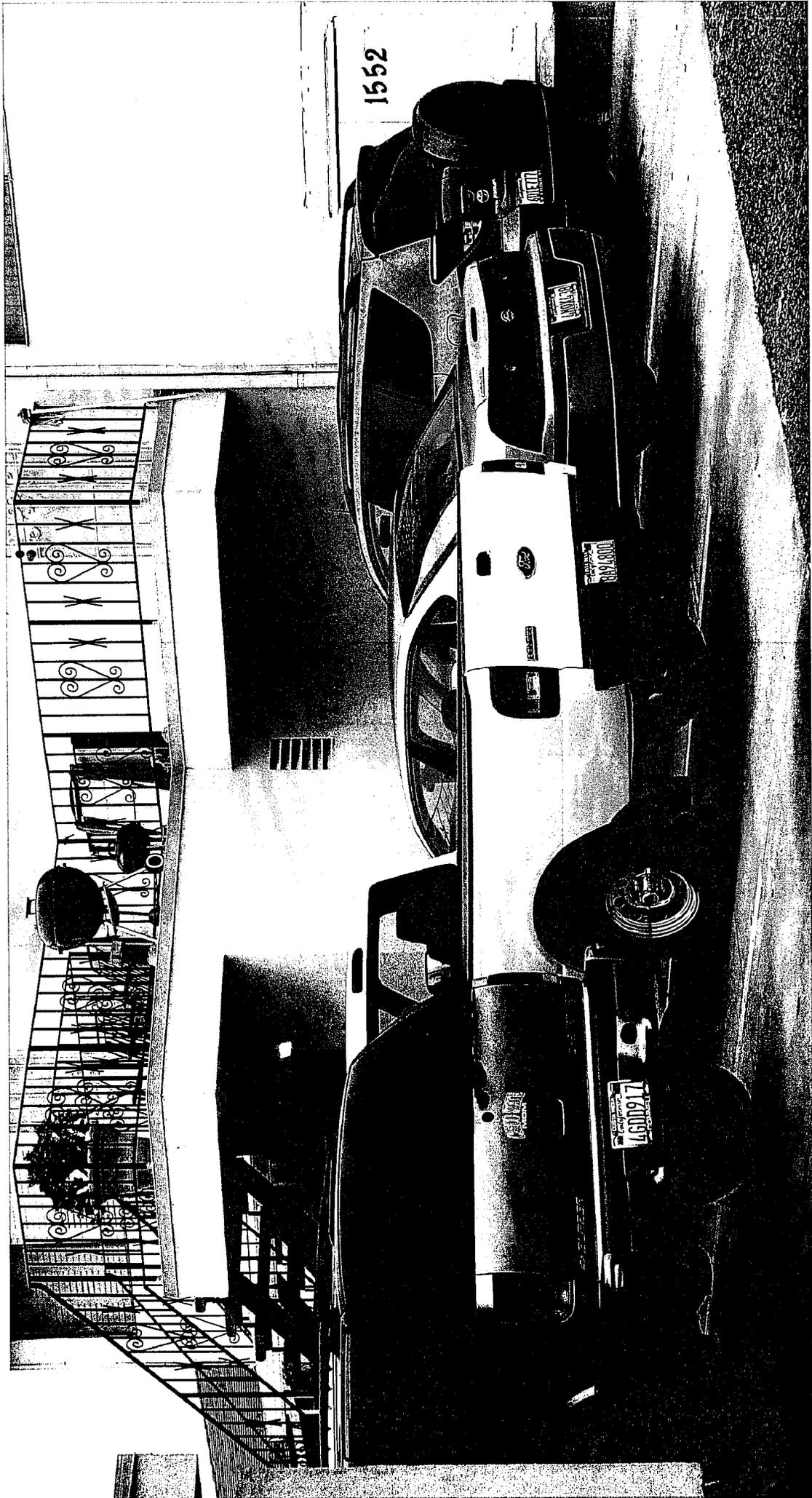
Pointer 33° 43' 00.50" N 117° 55' 21.19" W Elev 41ft
© 2010 Google
© 2010 Europa technologies
Streaming 100%#
Eye alt 1610ft

Coriander Dr 815AM.jpg





Coriander Alley 2 Prk Spaces Would Be Lost A.jpg



Attachment 3

BOUWENS-KILLEEN, WILLA

From: BOUWENS-KILLEEN, WILLA
Sent: Tuesday, March 30, 2010 1:35 PM
To: 'Derek Davis'; 'hstiepel@GDSLAW.net'
Cc: JOHNSON, RON; NGUYEN, KHANH
Subject: Trash enclosure requirement

Dear Sirs,

I have discussed this matter with both the Development Services Director and Assistant Development Services Director. Based on City Council direction, as well as a review of the layout of your properties -- comparing them with properties both on Coriander and other similar properties in the City that have already provided the required enclosures -- it has been determined that there is no basis to waive the requirement for the trash enclosures. Consequently, you will need to continue working with Code Enforcement Officer Ron Johnson (714.754.5059 or rjohnson@ci.costamesa.ca.us) to gain compliance with this requirement.

As stipulated by the City's Municipal Code, this decision may be appealed to the Planning Commission. The Municipal Code requires the appeal must be received by either the Planning Division or the City Clerk's office no later than 7 days from the date of this decision. Consequently, the appeal needs to be filed on the City's form and with the \$690.00 filing fee no later than 5 p.m. on April 6, 2010. The form is available at either the Planning Counter (second floor of City Hall) or the City Clerk's office (first floor of City Hall). City Hall is located at 77 Fair Drive, Costa Mesa.

Sincerely,

Willa Bouwens-Killeen, AICP
Chief of Code Enforcement
City of Costa Mesa
77 Fair Drive, Costa Mesa, 92626
Ph. 714.754.4952 Fax. 714.754.4856
wbkilleen@ci.costamesa.ca.us



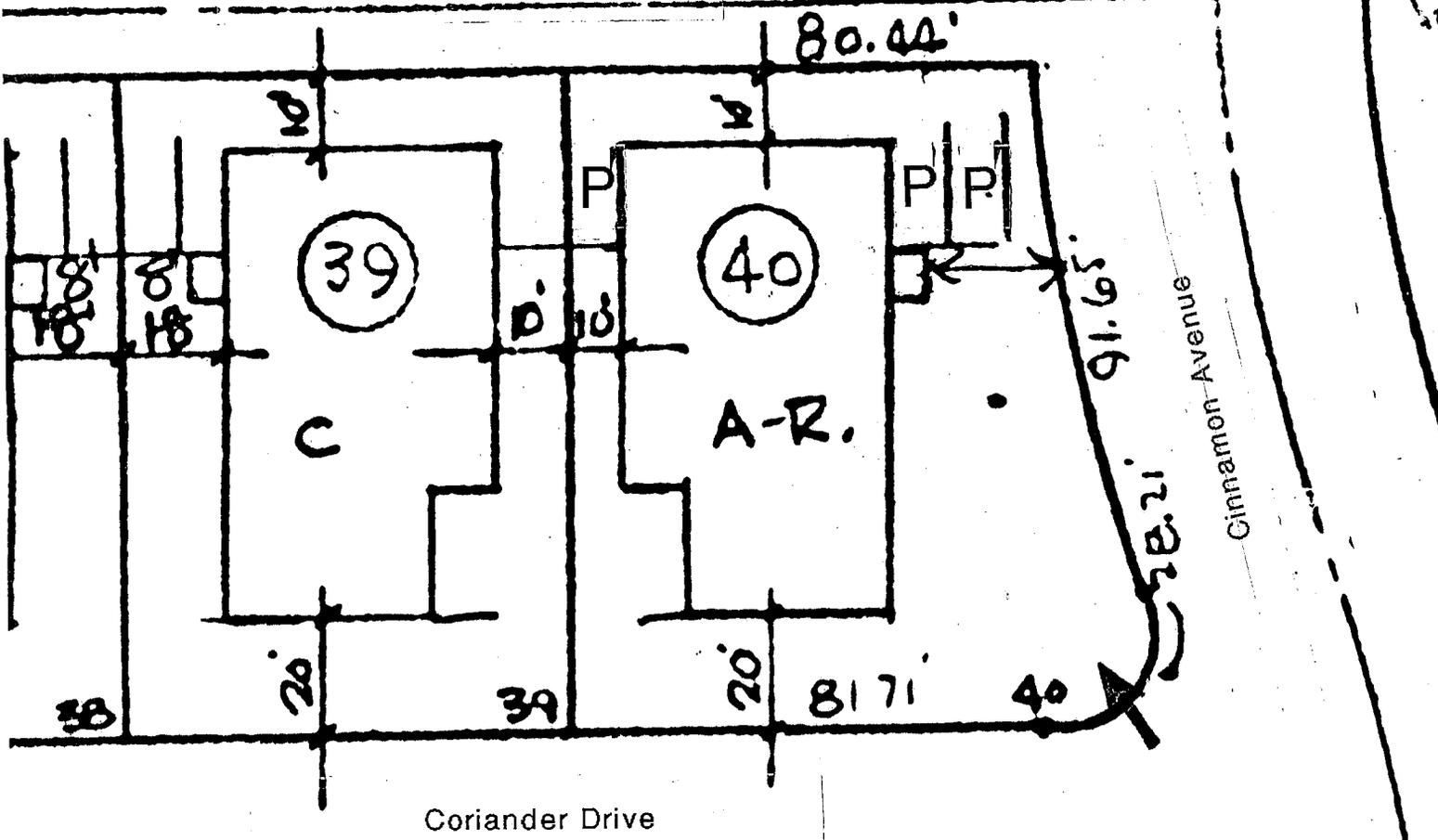
Attachment 4

SITE PLAN

THIS IS ALL IN.
TO KEEP F
WORK MUST W
60 DAYS W
AT LEAST
OF THE A
SHA
AF

Cemetery

public alley



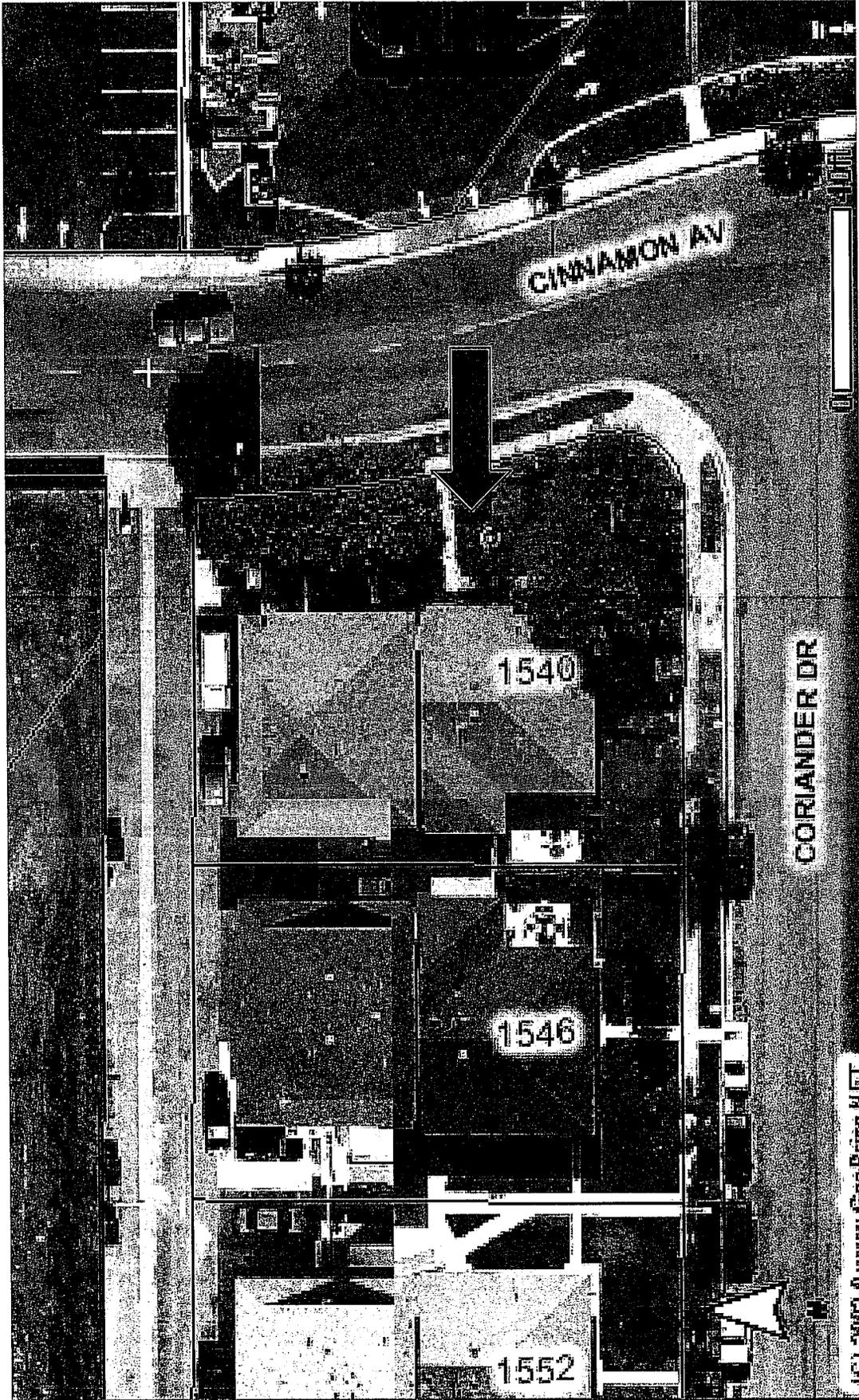
14

74.11'

25.11'

23.10'

Attachment 5



Airphoto of property

Attachment 6



TRASH ENCLOSURE STANDARDS

(October 2005)

In an effort to improve the appearance of the City, Costa Mesa's City Council adopted an ordinance in September 2005 requiring the screening of all trash bins or dumpsters in the City from public view. The following development standards address how the bins and dumpsters can be shielded from public view. All trash enclosure/screening plans require Planning Division approval. A building permit may or may not be required. Please contact the Planning Division for any questions regarding these standards.

Trash Enclosures for New Developments

- Trash enclosure shall be constructed of block or other type of concrete materials (such as woodcrete).
- The enclosure walls shall be high enough to completely screen the dumpster and to discourage illegal dumping of large items over the wall.
- Gates shall be the same height as the enclosure wall, opaque, with metal the preferred material, painted or powder coated to match the enclosure. Chain link with plastic slats in a color matching the enclosure may be substituted if the gates are not readily visible.
- Gates shall be lockable with access provided to employees and residents at all times.
- It is recommended that a 6" by 6" curb be provided inside the trash enclosure to separate dumpsters from the walls.
- Enclosures shall be placed outside of required street setback areas and will be counted against required open space.
- Enclosures shall be large enough or trash pick-up frequent enough to ensure trash does not overflow the bin.

Trash Enclosures for Existing Developments

- Trash dumpsters shall be screened from public view through block or other type of concrete material or plant materials.
- Gates shall be the same height as the enclosure screen, opaque, with metal the preferred material, painted or powder coated to match the enclosure. Chain link with plastic slats in a color matching the enclosure may be substituted if the gates are not readily visible from off-site. If unable to provide gates, the entry shall be oriented away from off- and on-site views.
- If gates are provided, they shall be lockable with access provided to employees and residents at all times.
- Enclosures may be placed in required parking, open space, or landscape areas (with the exception of street setback areas).
- Enclosures shall be large enough or trash pick-up frequent enough to ensure trash does not overflow the bin.

City of Costa Mesa Planning Division
77 Fair Drive, Costa Mesa, CA 92626
Phone: 714.754.5245

Email: PlanningCommission@ci.costamesa.ca.us
Hours: 8 a.m. to 5 p.m., Monday through Friday



NEW REQUIREMENT TO SCREEN TRASH BINS/DUMPSTERS

In October 2005, the Costa Mesa City Council adopted a new citywide requirement for screening trash bins and dumpsters from public view (specifically from a public street or alley). This Council action reflects the City's ongoing efforts to improve and upgrade the community's overall appearance, which benefits businesses and residents alike. Therefore, this requirement is included in the City's Property Maintenance regulations, and it is applicable to existing residences and businesses, as well as to new construction.

Costa Mesa Code Enforcement Officers are responsible for ensuring that all trash bins/dumpsters are adequately screened from public view, and the Officers will work with property owners to bring their properties into compliance.

The backside of this handout includes acceptable types of screening materials. These screening materials are readily available at local home improvement centers (such as Home Depot). Please note these materials are to be only used for screening trash dumpsters/bins in existing developments. New construction projects will be required to construct a trash enclosure pursuant to City standards. A partial list of local contractors is also provided below.

If a property owner fails to screen a trash bin/dumpster from public view, the City may commence abatement procedures as outlined in Costa Mesa Municipal Code Sections 20-12 through 20-14.

Please check with the Planning Division regarding an acceptable location for the trash dumpster/bin and screen at (714) 754-5245, Monday through Friday, 8 a.m. to 5 p.m.

Local Contractors (Partial List):

The CITY OF COSTA MESA does not endorse any contractor; however the City has provided for your convenience a list of phone numbers of some of the local building supply warehouses that may have a list of recommended contractors. Use your discretion when hiring a contractor. The CITY OF COSTA MESA does not guarantee their work.

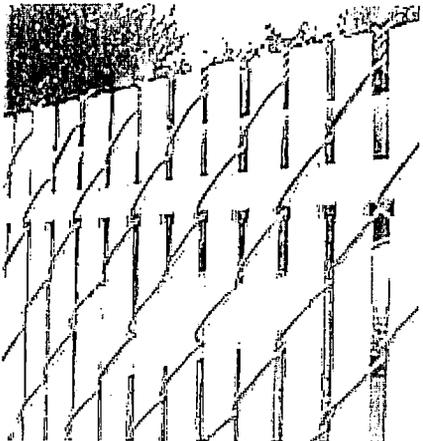
Home Depot - (800) 793-3768

Ganahl Lumber - (714) 556-1500

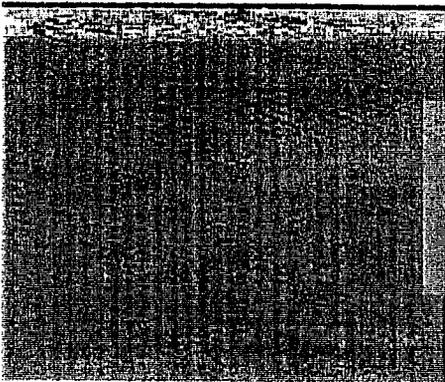
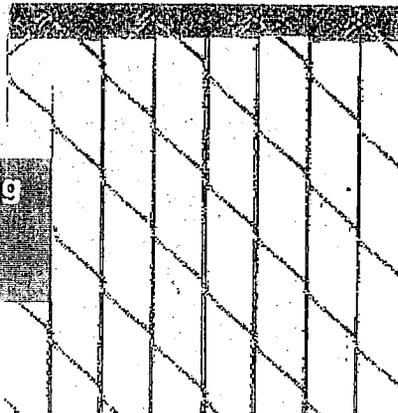
Crown Ace Hardware - (714) 546-7080

Larry's Building Materials - (714) 545-0448

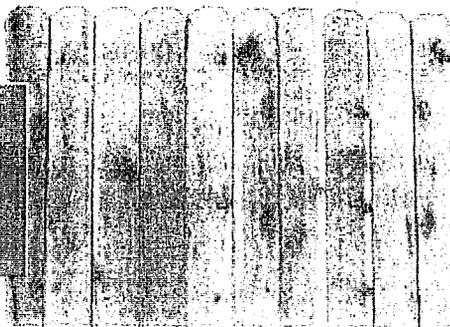
ACCEPTABLE SCREENING MATERIALS:



Chain Link Fencing
with vinyl slats



Chain Link Fencing
with Privacy Screen
or Solid Wooden
Fencing



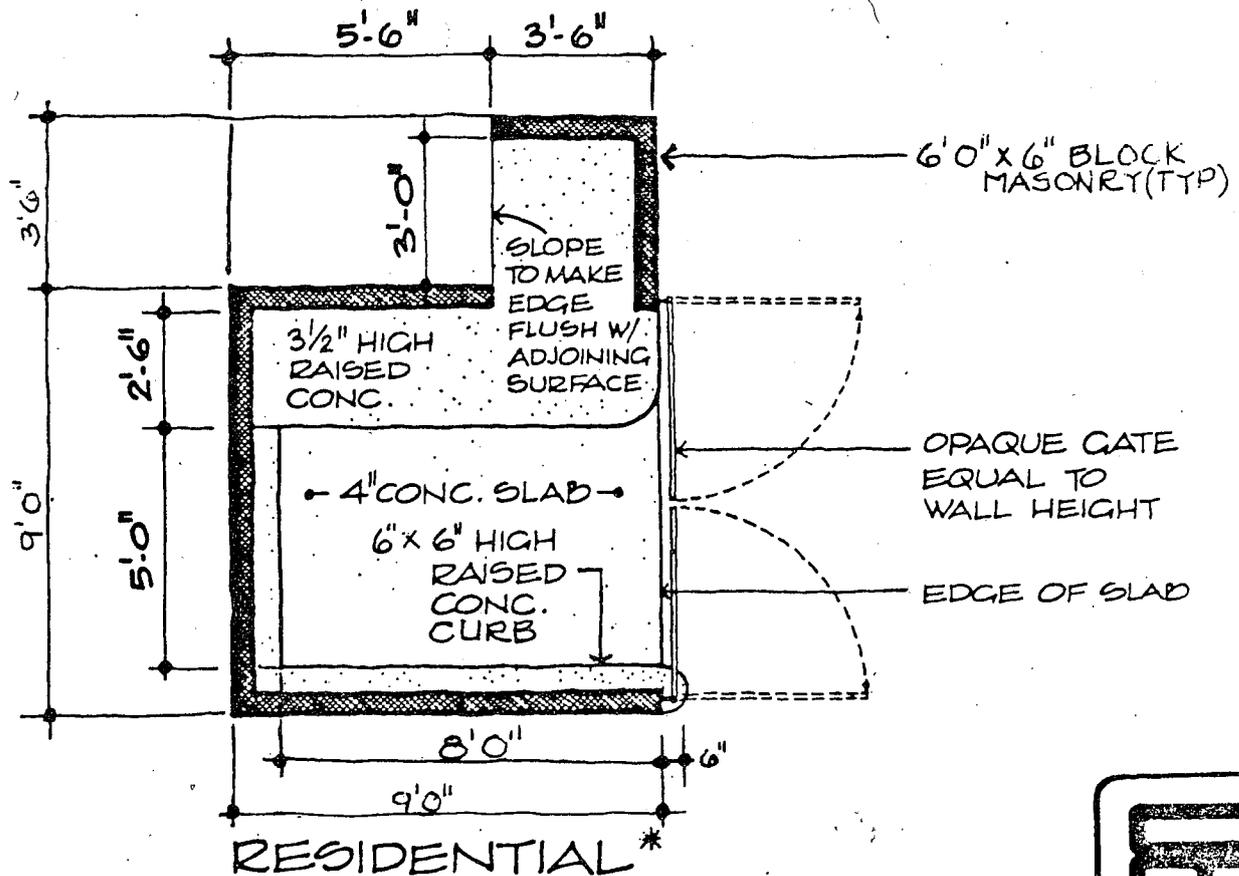
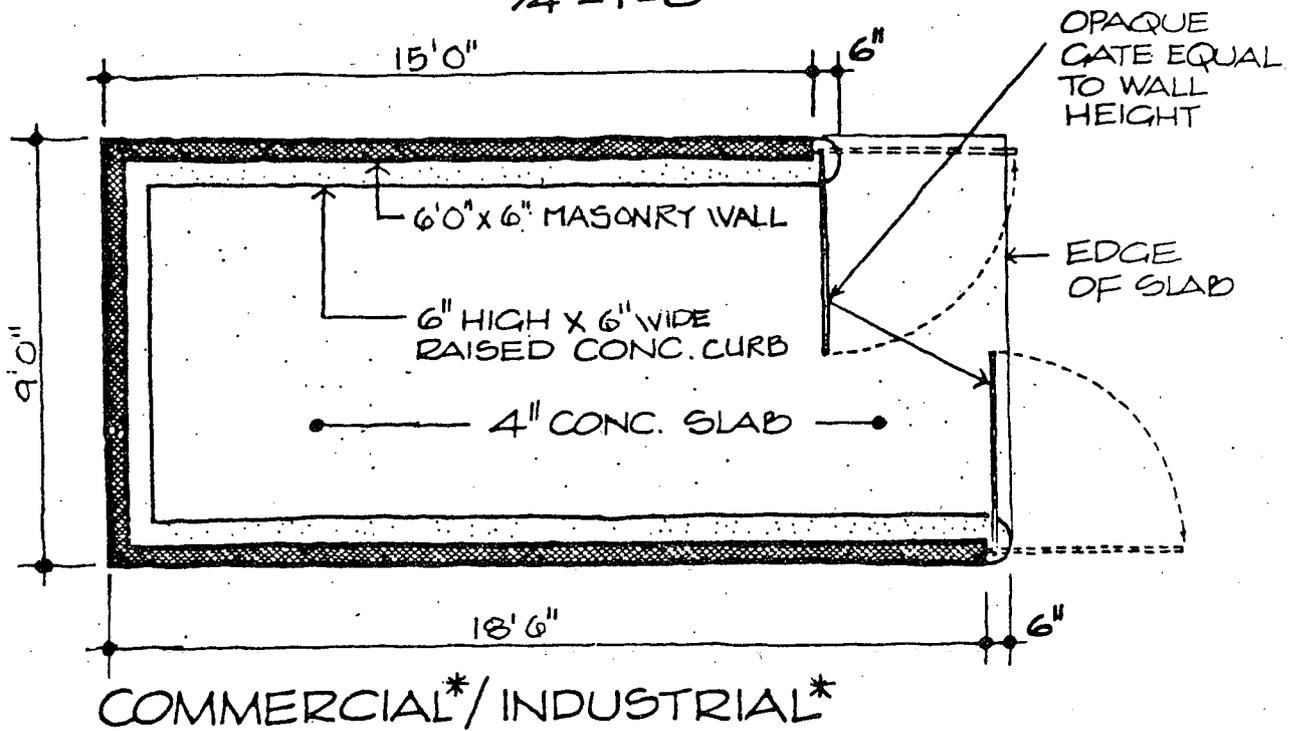
1. Note: These materials are only to be used for screening trash dumpsters/bins in existing developments. Any new development project will be required to construct a trash enclosure pursuant to City standards.



DEVELOPMENT SERVICES DEPARTMENT
77 FAIR DRIVE, SECOND FLOOR
COSTA MESA, CA 92628
(714) 754-5245
www.ci.costa-mesa.ca.us

TRASH ENCLOSURE STANDARDS

1/4" = 1'-0"



*NOTE: WHEN COVERED OR PLACED ADJACENT TO A BUILDING, FIRE SPRINKLERS MAY BE REQUIRED.



Attachment 7

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA UPHOLDING THE ZONING ADMINISTRATOR'S ACTION

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

WHEREAS, the property owner, Derek Davis, filed a request to waive the requirement for a trash enclosure, with respect to the real property located at 1540 Coriander Drive, in the R2-HD zone; and

WHEREAS, the Zoning Administrator denied the waiver on March 30, 2010; and

WHEREAS, Council member Katrina Foley requested a review of the decision on April 6, 2010; and

WHEREAS, Planning Commission heard the item on May 10, 2010, 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 that adequate parking exists to accommodate the required trash enclosure; that provision of the enclosure will improve the appearance of the alley and neighborhood; and that enclosures have been provided on similar properties throughout the City; the Planning Commission **UPHOLDS** the Zoning Administrator's denial of the waiver with respect to the property described above.

PASSED AND ADOPTED this 10th day of May 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA REVERSING THE ZONING
ADMINISTRATOR'S ACTION**

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

WHEREAS, the property owner, Derek Davis, filed a request to waive the requirement for a trash enclosure, with respect to the real property located at 1540 Coriander Drive, in the R2-HD zone; and

WHEREAS, the Zoning Administrator denied the waiver on March 30, 2010; and

WHEREAS, Council member Katrina Foley requested a review of the decision on April 6, 2010; and

WHEREAS, Planning Commission heard the item on May 10, 2010, 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 finding that adequate parking does not exist to accommodate the required trash enclosure, the Planning Commission **REVERSES** the Zoning Administrator's denial of the waiver with respect to the property described above.

PASSED AND ADOPTED this 10th day of May 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA MODIFYING THE ZONING
ADMINISTRATOR'S ACTION**

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

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY
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WHEREAS, the property owner, Derek Davis, filed a request to waive the
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WHEREAS, Council member Katrina Foley requested a review of the decision on
April 6, 2010; and

WHEREAS, Planning Commission heard the item on May 10, 2010, 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 that
_____, the Planning Commission **MODIFIES** the Zoning
Administrator's denial of the waiver with respect to the property described above.

PASSED AND ADOPTED this 10th day of May, 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

