

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
March 8, 2010**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:00 p.m., March 8, 2010, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Righeimer.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Vice Chair Clark led the Pledge of Allegiance.

II. ROLL CALL: Chair: James Righeimer
Vice Chair: Sam Clark
Commissioners: Jim Fitzpatrick, Colin McCarthy, and Stephen Mensinger

Present: Chair James Righeimer
Vice Chair Sam Clark
Commissioner Jim Fitzpatrick
Commissioner Colin McCarthy
Commissioner Stephen Mensinger

Absent: None.

Also Present: Acting Development Svs. Director Khanh Nguyen
Assistant Plng. Commission Secy. Claire Flynn
Deputy City Attorney Christian Bettenhausen
City Engineer Ernesto Munoz
Transportation Services Mgr. Raja Sethuraman
Ch. of Code Enforcement Willa Bouwens-Killeen
Associate Engineer Patrick Bauer
Senior Planner Mel Lee
Senior Planner Minoo Ashabi

III. PUBLIC COMMENTS:

Chris McEvoy, Costa Mesa, expressed concern regarding the comments made at a previous Planning Commission meeting relating to a condominium conversion on the Eastside and the lack of parking. He asked the Commissioners to be sure there are firm

parking requirements for all development projects.

Gregg Ridge, Costa Mesa, expressed disappointment regarding the chain-link fence across the street from Jim Scott Stadium that wraps around the Costa Mesa Golf Course. He said it is an eyesore and believes the City is in violation. Mr. Ridge provided a pamphlet he prepared and gave it to staff.

The Chair reported that there are no public hearing items tonight.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Mensinger announced the Mesa Verde Classic to be held on April 19 at the Mesa Verde Country Club benefiting Costa Mesa United in its support of youth sports. He noted that he would be the chairperson for the Silent Auction and Live Auction portions of the event. He also announced the Costa Mesa Community Run to be held on April 24 at Fairview Park/Estancia High School supporting Costa Mesa schools, and includes a Pancake Breakfast. Lastly, he reported on the Costa Mesa Pop Warner Sign Up event and Estancia Football Walk-up Registration taking place this Saturday, March 13, from 9:00 a.m. to 12:00 p.m., at Parson's Field.

Vice Chair Clark announced the Neighbors for Neighbors Community Clean-up (semi-annual event) on April 24 from 8:00 a.m. to 12:00 p.m.

Commissioner Fitzpatrick commented on the graffiti in the neighborhood and the concerted effort made by the neighbors and the City. He provided the telephone number for the Graffiti Hotline (714-327-7491).

The Chair stated he would be willing to donate his time to wash cars as a Silent Auction item for the Mesa Verde Classic event. A discussion ensued among the Commissioners relating to other tasks they could donate towards the Silent Auction.

V. CONSENT CALENDAR:

- 1. Minutes for the meeting of February 8, 2010.**

The Chair asked if anyone wished to move on the Consent Calendar.

MOTION: Approve.

Moved by Vice Chair Sam Clark, seconded by Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

2. 2008 Development Phasing and Performance Monitoring Program

MOTION: Approve report.

Moved by Vice Chair Sam Clark, seconded by Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

VI. BUSINESS ITEMS:

1. 2009 Planning Commission Design Awards and Mesa Green Design Awards Selection

Senior Planner Mel Lee reviewed the two separate types of design awards for selection. He noted that the LEED Certified home at 1811 Gisler Avenue is eligible for nomination for the Mesa Green Design Award. Mr. Lee also announced that the projects will be selected at this time for presentation of awards at the next meeting, on April 12, 2010.

A discussion ensued regarding selecting the projects on Page 4, selecting the Gisler Avenue Platinum LEED project for a

Mesa Green Design Award, and determining if there are any other LEED-type projects being built.

Commissioner Fitzpatrick commented that he enjoys green thinking and green design and hopes the Mesa Green Design Award could be broadened to include businesses using green ideas. He also commented on educating the public via the City's website concerning green thinking. Mr. Lee added that this is the first year there is a Mesa Green Design Award and previous design award information has been placed on the website.

The Chair and Commissioner Mensinger discussed the Enclave project at 150-A Rochester Street and Mr. Lee explained that the project was awarded a design award for 2008.

There was a discussion between the Chair and Mr. Lee concerning the nominations for award and the Chair confirmed that the projects on Page 4 would be nominated, as well as the Gisler project for a Mesa Green Design Award.

Commissioner Mensinger commented on The Lab and the improvements they have made.

The Chair reiterated the nominations for award.

2. Land Development and Planning Requirements for the New NPDES Permit

Associate Engineer Patrick Bauer reviewed the information in the staff report and provided a slide presentation. He explained that NPDES stands for National Pollutant Discharge Elimination System and said our City is in our Fourth Term Municipal NPDES permit for the period of May 2009 through 2014. Mr. Bauer gave a brief history of the Clean Water Act and explained the three main types of stormwater permits. He noted that the Municipal Separate Storm Drain System (MS4) permit is separate from the sewer system. He added that industrial facilities are separate permits and MS4 permits relate to our City.

Mr. Bauer commented on the Municipal NPDES Stormwater Permits in California, the Regional Boards, and the two watersheds in the City. He noted that the Westside Watershed drains into the Santa Ana River and the Eastside Watershed drains into the Newport Bay.

Mr. Bauer explained the New Permit Expectations and mentioned that Costa Mesa has Water Quality Management District's (WQMD) required land use in our system during the Planning application. He also discussed Land Development/Planning and said the Planning Advisory Committee meets monthly under the direction of the County of Orange. He spoke on the annual review of CEQA, and an electronic database that tracks the developers and the annual inspections.

In response to the Chair's question regarding where the funds come from for an annual inspection, Mr. Bauer replied that currently the City pays for this by using the General Fund budget. Mr. Bauer commented on Solutions stating that the City is complying with the permit by development of a whole new WQMP template. He also commented on the County and its 34 cities. Relating to Implementation, Mr. Bauer discussed the Permittee Advisory Group consisting of cities and technical advisory groups and obtaining funding from Propositions 50 and 84, and Measure "M".

In response to Commissioner Mensinger's concerns regarding how the permit relates to storm water and to restaurants, businesses and industrial uses, Mr. Bauer replied that with the new water quality management requirements, there are two additional requirements for public works/street projects with more than 5,000 square feet and gasoline outlets and restaurants are required to have some type of treatment. He said the businesses are mandated through the regional boards to provide solutions to meet the requirements and the costs are passed along to the builders and developers. He added that the costs are not evaluated.

The Chair, Commissioner McCarthy, and Mr. Bauer discussed new construction and existing gas station properties where square footage is added. They also discussed thresholds.

In response to Commissioner McCarthy's request regarding discharge points and if there is a discharge in the waterway, Mr. Bauer replied that from the Fairview Channel the discharge travels to the Greenville-Banning Channel and then to the Santa Ana River, and the discharge point is Newport Boulevard. If it is from the Santa Ana-Delhi Channel, the discharge travels to the Newport Bay, and the discharge point is north by the airport. Mr. Bauer explained that the testing points are performed at the Newport Bay and the County performs the tests. He added that no tests are performed at the Santa Ana River because this waterway is not identified as being impaired. In addition, Mr. Bauer noted that the City has not been written up for industrial discharges.

Commissioner Fitzpatrick thanked Mr. Bauer for his report and commented on retaining water to the 85th percentile; Best Management Practices; his personal carwash business; and asked Mr. Bauer for suggestions relating to stopping discharges into the storm drain.

Mr. Bauer stressed the importance of the curb and gutter being kept free of discharges/spills and noted home improvement projects contribute to the problem.

In response to Commissioner Mensinger's question relating to other cities using screens or sandbags and if our City is using screens on storm drain catches, Mr. Bauer replied that they have been used in the past resulting in functional issues, such as not opening properly, being plugged, and the concern about flooding.

City Engineer Ernesto Munoz pointed out that some years ago a screen mechanism was installed and when the screens were hit with debris, it rendered the screens useless. This resulted in a decision being made to remove them. He added that possibly temporary screens could be installed in the summer and removed in the winter, but this would be an expenditure out of the General Fund. He also noted this mechanism is fairly sensitive and when the mechanism is damaged by motorists, it does not operate satisfactorily.

David Kinkade, Costa Mesa, inquired about a credit for the City by pumping water out of the Greenville-Banning Channel into Fairview Park.

Mr. Munoz indicated there is no such system to pump water out of the channel to the park. Mr. Kinkade also asked about Phase II and the water coming out of the channel and into the ponds and Mr. Munoz replied there is no such system to pump water into the ponds. In addition, Mr. Munoz explained that the ponds are relatively shallow and are kept filled.

The Chair responded that he would follow-up with Mr. Kinkade on his question.

Mr. Ridge, Costa Mesa, expressed concern regarding the City street sweepers not cleaning the gutters thoroughly.

The Chair asked for a response from the City Engineer, and Mr. Munoz replied that street sweeping is effective if there are no vehicles against the curb. He also replied there is a schedule that is followed which requires vehicles to be moved on street sweeping days.

Vice Chair Clark made a comment about the street sweeping on his side of the street in his neighborhood and inquired about the street sweeping requirements.

The Chair asked Assistant Planning Commission Secretary Claire Flynn to provide the Commission with the City's street sweeping process by their next meeting.

Commissioner Fitzpatrick commented on the street sweeping in his neighborhood and stated this is a formal process.

3. Fillmore/Coolidge Neighborhood Improvement Plan

Commissioner McCarthy stated it was not necessary to discuss this item because he has all the information that he needs.

4. Code Enforcement Priorities

Senior Planner Mel Lee reviewed the information in the staff report, including the Residential and Non-Residential Priorities, a proposed increase in citation fine amounts, and proposed Code revisions amending Title 1, Title 13, and Title 20.

In response to the Chair's question regarding temporary storage of recreational vehicles, Mr. Lee replied there is no definition of temporary in the Code. Mr. Lee added that the City of Tustin specifies 48 hours for loading and unloading of recreational vehicles and the other cities in the survey do not have specific restrictions for storing recreational vehicles on residential properties.

The Chair and Mr. Lee discussed commercial pickup trucks with racks and the City's Code definition that commercial vehicles are vehicles over 25' in length or having more than two axles.

Mr. Lee pointed out that staff is looking for Commission's direction for Code Enforcement priorities so staff can forward Commission's recommendations to City Council for their consideration. Staff will then prepare the necessary Code amendments for review by Planning Commission and Council.

In response to Commissioner McCarthy's question as to a time line, Mr. Lee responded that the Commission's recommendations could be forwarded to the City Council in April.

Commissioner Mensinger and Commissioner Fitzpatrick narrated a PowerPoint presentation demonstrating their concerns.

Commissioner Fitzpatrick noted that he and Commissioner Mensinger spent a lot of time on this presentation and met with many stakeholders. He also noted the current role of Planning Commission is to advise City Council on Council directed review of Title 20 relating to a common theme of loving our great City by reducing blight and increasing property values.

Commissioner Mensinger compared Title 20 as the CC & R's

for the City and noted that he and Commissioner Fitzpatrick have met with no less than 150 people in the past four months relating to Code Enforcement priorities. He also noted the City reacts to priorities based on a phone call or comment.

Commissioner Mensinger discussed absentee homeowners and the need to reduce their number. He also felt that blight exists at a majority of the properties surrounded by rental properties and that rental properties attract absentee owners.

Commissioner Fitzpatrick provided several photographs of violations in the Freedom Homes Tract taken by Commissioner Mensinger or other residents and said the properties with violations were not first-time violators.

Commissioner Mensinger commented that most people have a genuine desire to maintain their properties, but the pictures show a disregard of the rules, noting these violations affect property values.

Commissioner Fitzpatrick and Commissioner Mensinger both made comments comparing enforcement between Police and Code Enforcement.

Commissioner Fitzpatrick said the City Prosecutor feels that Code Enforcement's cases are prosecutable. He also stated the homes shown in the PowerPoint presentation are repeat violators. Commissioner Fitzpatrick discussed ways to educate first-time violators.

Commissioner Mensinger suggested a pilot area be introduced which would establish a neighborhood approach to enforcement.

Commissioner Fitzpatrick suggested different methods of pursuing enforcement, including a "fix-it" ticket approach.

Commissioner Fitzpatrick reviewed the next action steps of getting together with the City Council for a joint study session to seek Council direction; defining a pilot program and enforcement area; using a tracking solution such as TAGR (an

information management system for graffiti); and updates on projects.

Vice Chair Clark asked if there was one particular item the Commissioner could comment on and Commissioner Fitzpatrick replied that government seems to move slowly. He said it will be necessary for three Council members to agree with the Planning Commission's recommendations.

Commissioner Mensinger pointed out that Mr. Ridge had provided information to staff earlier in the meeting and asked staff to look into the condition of the Costa Mesa Golf Course fence/fencing. A discussion ensued between Commissioner Mensinger and Mr. Munoz concerning the condition of the fence and following-up with Mr. Ridge.

Chris McEvoy, Costa Mesa, appreciated the Commission's goal to make the City look nicer, but expressed concern regarding the City having too much control and the large number of annual Code Enforcement cases; if there is an added cost to the program; and noted it seems unnecessary to penalize people with commercial (work) trucks who are just trying to make a living.

Beth Refakes, Costa Mesa, agreed with Mr. McEvoy and suggested focusing on existing violations and other commercial vehicles such as taxi cabs. She commented on the City's limited resources; an absentee homeowner problem; undesirable effects from group homes; and lots of chain-link fencing on the Eastside. She suggested proceeding very carefully.

Gregg Ridge, Costa Mesa, stated the Westside is a diamond in the rough and has a lot of potential. Mr. Ridge asked the Commission to partner with the Westside and applauded the proposal of the pilot program. He also said not to penalize the working-class people who bring their business trucks home.

Commissioner Fitzpatrick commented on Mr. McEvoy's concern of 22,000 Code Enforcement cases and noted the number may be closer to 1,200 or 2,000 because every sign that is removed is counted as one case, which may not be a

good comparison. Regarding extra costs, Commissioner Fitzpatrick encouraged the technological budget item for computers and programs that would allow easier data/case management.

Vice Chair Clark commented that it is the contractor's right to park in the driveway as seen on handwritten Page 7 of the staff report. He said he understands Mr. McEvoy and Ms. Refakes' concerns. He commented on Pages 4 and 5, specifically that group home properties be kept in good condition and requiring home maintenance to keep the neighborhood looking nice. He also said he appreciated Mr. Ridge's comments. Vice Chair Clark suggested the proposed fines on Page 4, Possible Code Revisions, Section A, be changed so that the first violation fine is \$150, the second violation fine is \$300, and the third violation fine is \$500.

In response to the Chair's question relating to the second violation, Chief of Code Enforcement Willa Bouwens-Killeen replied the second violation has to be for the same offense.

Vice Chair Clark continued with his suggestions for possible code revisions noting he agreed with Section B, but said Section C regarding commercial vehicles is too broad. Regarding Section E, Vice Chair Clark said he agrees and suggests working on removing inoperable vehicles from front yards.

Commissioner Mensinger said he understands Ms. Refakes' concerns, but noted as an appointed member of the Planning Commission that Title 20 exists and he believes that unenforced rules result in blighted conditions of properties. He also said Code Enforcement works very hard every day and he is concerned about compliance with existing rules and owes it to Mr. Ridge and 150 people to solve the issues with Title 20.

Commissioner McCarthy made some comments regarding density and ownership versus rental status and parking. He expressed concern about Mesa North and multiple vehicles, absentee homeowners, and said this is not acceptable. Commissioner McCarthy noted that small fines will never help

gain compliance, and said there is no problem with Title 20 or staff, but wants to connect the two where improvement is needed. He mentioned that the pictures on the screen are not acceptable and he supports increasing the fines, issuing fines, establishing signs, supports Section C, but requested clarification on boat storage in Section D. Regarding Section E, he commented that inoperable vehicles should be a priority and be moved immediately. Lastly, Commissioner McCarthy spoke on the issues of blight and stressed that everyone should be on the same page regarding Title 20.

The Chair commented on increasing fines, especially for the repeat violators; needing a clear definition of Title 13 regarding temporary signs; commented on massage signs and the commercial sex trade in the City; enforcing the rules so there are consequences; and needing a clear definition of a commercial vehicle.

The Chair noted that staff should come up with recommendations and expressed his concern regarding recreational vehicles and boats, and inoperable vehicles and fitted covers. He suggested property owners be provided CDBG funds or a loan to repair/maintain their properties if they are long-term owners and are unable to afford such maintenance. He also recommended setting up a Joint Study Session with the City Council, and asked Commissioners Fitzpatrick and Mensinger to work with City staff.

The Chair confirmed with Commissioner Mensinger that he needs to work with Acting Development Services Director Khanh Nguyen and Ms. Bouwens-Killeen on a series of recommendations for implementation in a specific area of the City, as a starting point.

Vice Chair Clark commented on banners and signs and the Council possibly placing a moratorium on them. He also referenced CDBG funding, the Neighbors for Neighbors Program, and working for a loan or grant so there is no burden placed on elderly homeowners. He explained the Neighbors for Neighbors Program.

Commissioner Mensinger asked Ms. Bouwens-Killeen if she could provide updates once a month as to the status of the violations shown in the PowerPoint presentation.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, APRIL 12, 2010.

There being no further business, Chairman Righeimer adjourned the meeting at 8:15 p.m. to the Joint Study Session meeting with the City Council at 4:30 p.m. tomorrow, March 9, 2010, to discuss the Legacy Air Center Proposal, SR-55 Access Study Update, and the FY 2009-10 Revenue Update. The next regular Planning Commission meeting is at 6:00 p.m. on April 12, 2010.

Submitted by: _____
CLAIRE FLYNN, ASSISTANT SECRETARY
COSTA MESA PLANNING COMMISSION