

**MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
May 10, 2010**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:00 p.m., May 10, 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.

Commissioner Mensinger 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: Assistant Plng. Commission Secy. Claire Flynn
Deputy City Attorney Christian Bettenhausen
City Engineer Ernesto Munoz
Chief of Code Enf. Willa Bouwens-Killeen
Senior Planner Mel Lee
Senior Planner Minoo Ashabi

III. PUBLIC COMMENTS:

Chris McEvoy, Costa Mesa, expressed concern regarding the City of Newport Beach moving forward with Sunset Ridge Park. He was also concerned about "cut-through traffic."

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy commented on the recent Mesa Verde

Classic event benefiting Costa Mesa United. He said a lot of money was raised for youth sports of Costa Mesa.

Commissioner Fitzpatrick commented on the Arbor Day event and announced the upcoming event on the Eastside of Costa Mesa, Two Wheels One Planet - "Bike to Work Day" on May 22. He added that admission to the event requires you to be on your bike.

Commission Mensinger announced that this Saturday and Sunday is the Battle of Costa Mesa, Civil War re-enactment at Fairview Park, and Pop Warner will be serving food as a fundraiser.

Vice Chair Clark noted that the recent Neighbors for Neighbors event was very successful and encouraged the public to participate at their next event. He also commented that he and his wife have completed Community Emergency Response Teams (CERT) training and encouraged others to do the same.

The Chair commented on the recent golf tournament, Mesa Verde Classic, and the silent auction item provided by the Commissioners.

V. CONSENT CALENDAR:

1. Minutes for the meeting of April 12, 2010.

The Chair requested that Consent Calendar Item No. 2 be pulled for discussion. He asked if anyone wished to move on the remainder of the Consent Calendar.

MOTION: Approve.

Moved by Commissioner Colin McCarthy, seconded by Vice Chair Sam Clark.

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. 2000 General Plan Conformity Resolution, a resolution of the Planning Commission finding the proposed City of

Costa Mesa 2010-2011 Capital Improvement Program in conformance with the 2000 General Plan.

The Chair and City Engineer Ernesto Munoz discussed the proposed capital improvement projects relating to Citywide Street Improvements, funding, bonds, and preventative street maintenance. Mr. Munoz explained that the City's Pavement Management System identified approximately \$82 million in "improvement needs." Mr. Munoz also explained that the street segments considered an "improvement need" are segments which fall below the City's performance criteria. Mr. Munoz indicated that most cities have a similar street improvement liability, depending on how stringent their performance criteria is set at.

The Chair asked Mr. Munoz to find out if the Cities of Huntington Beach and Fountain Valley use general fund revenues to fund their street improvement programs. Mr. Munoz agreed.

In response to the Chair's question as to the number of alleys in the City, Mr. Munoz replied 129. Mr. Munoz explained the condition of the alleys; Measure "M" Gas Tax revenue used to fund reconstruction of two to four alleys a year; and prioritization of alley reconstruction.

The Chair, Commissioner Mensinger, Commissioner Fitzpatrick, and Mr. Munoz discussed the importance of street maintenance; where the alley near Coriander Drive in the Spice Tract is prioritized for reconstruction; the condition of the 400 block of Broadway; and how the streets are prioritized for reconstruction.

Mr. Munoz explained in detail how the City is required by OCTA to bi-annually rate their street network and feed the data collected into the Pavement Management Software. He also explained that the streets at the top of the priority list need to be funded for resurfacing, slurry, or reconstruction, and with proper maintenance every five to seven years, those streets will stay in good condition.

Commissioner McCarthy noted his concern regarding the

City's infrastructure and the Chair commented that the City is millions short for street maintenance. He noted if the streets are not maintained, than the replacement costs will be huge. The Chair made a few comments and said he thought Fountain Valley and Irvine's streets were better maintained.

The Chair and Mr. Munoz discussed the Parkway Reforestation project including the planting of 800 parkway trees, the Broadway Safe Route to School project, and the Joann Street Bike Trail project.

**MOTION: Adopt Planning Commission Resolution PC-10-9, finding the proposed 2010-11 Capital Improvement Program in conformance with the City of Costa Mesa's 2000 General Plan.
Moved by Chair James Righeimer, seconded by Vice Chair Sam Clark.**

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.

Commissioner McCarthy asked that Public Hearing Item No. 5 be placed directly behind Public Hearing Item No. 1 since they are both similar items.

VI. PUBLIC HEARINGS:

- 1. Site Address: 1540 Coriander Drive
Zone: R3
Environmental
Determination: Exempt**

Description:

Review of Zoning Administrator's denial of a requested waiver of the trash enclosure requirement.

Chief of Code Enforcement Willa Bouwens-Killeen reviewed the information in the staff report and responded to questions

from the Commission regarding relocation of the dumpster, and encouraging the property owner to meet and work with staff to arrive at an acceptable location for the enclosure. The Chair also pointed out to City Engineer Ernesto Munoz that the alley behind Coriander Drive is in bad condition.

Commissioner Mensinger commented that he had met with Mr. Davis and noted concern regarding materials used for some of the enclosures; provided some photographs for viewing; and commented on the common wall next to a cemetery. A discussion ensued between Commissioner Mensinger and Chief of Code Enforcement Willa Bouwens-Killeen regarding Code Enforcement's help in working with the property owner of the cemetery to repair their wall.

Commissioner Mensinger continued to comment on three issues of concern: 1) garages being used for storage instead of parking and he asked Ms. Bouwens-Killeen to work with the Apartment Association on this issue; 2) enclosure materials - Commissioner Mensinger asked staff to work on better locations and materials for trash enclosures and asked Mr. Lee and staff to work with property owners on these issues; and 3) preparing a standard specification for trash enclosures.

In reply to Commissioner Mensinger's issues of concern, Ms. Bouwens-Killeen responded that a letter was sent out to all the property owners stating that enforcement would be postponed; and that Planning Commission direct Code Enforcement and Planning for trash enclosure standards. A discussion ensued between Commissioner Mensinger and Ms. Bouwens-Killeen regarding trash dumpsters in the alley, required fire engine access, potential liability issues, and granting of easements.

Mr. Munoz added that the Coriander Drive alley was recently improved in concrete and it is in very good shape, but the Gisler Avenue alley (#25) is in poor condition and scheduled for repair in the next year or so.

Vice Chair Clark and Ms. Bouwens-Killeen discussed the number of units in the Spice Tract, specifically Coriander Drive, with 18 on the north side and 17 on the south side of Coriander

Drive with six enclosures constructed or under construction. Commissioner Fitzpatrick and Ms. Bouwens-Killeen discussed the responsibility of the property owner for policing inoperable vehicles, fines, notice letters, and mitigation by the Apartment Association of Orange County.

Regarding ex parte communications, Commissioner Mensinger and Commissioner McCarthy said they both met with Mr. Davis, and the Chair said he spoke to Mr. Davis and Mr. Panarisi.

Derek Davis, applicant, thanked the Commissioners and handed a letter to staff and the Commission. He reviewed the information in the letter and noted that the Spice Tract problem is a neighborhood issue. The Commissioners, Ms. Bouwens-Killeen, and Mr. Davis discussed parking, tandem parking, mitigating parking issues, and the site plan. Mr. Davis continued to refer to his letter.

Commissioner Mensinger commented on the 18 different units and said he would like to make a motion. The Chair pointed out that Mr. Davis needs to finish speaking and public comments need to be made.

Mr. Davis continued to refer to his letter and expressed concern regarding trash dumpsters being placed underneath apartment windows. He also said that after reading the code, it does not require the property owner be responsible for how the garage is used.

Susan Adkins, Coriander Drive property owner, expressed concern about the parking problem and adding the trash enclosure requirement will occupy more parking. She felt that, for liability issues, the enclosures should be smaller.

Jonathan Schiesel, Coriander Drive resident, expressed concern that a human factor should be considered, especially if a trash enclosure is placed underneath an apartment window and expressed health concerns for the tenants, children, the elderly, and how the elderly use the garages for their workshops.

Carol Haynes, Coriander Drive resident, expressed concern regarding the dumpster by her apartment and commented on the alley.

Marina Cisneros, Coriander Drive resident, noted sanitary and odor concerns, especially when the trash is only picked up once a week and the lid is left open.

Joe Panarisi, owner of apartments on Coriander Drive, agreed with Mr. Davis and said the property owners need to get together and said they need to work with the Apartment Association. He noted that evening parking is a problem and street sweeping on Fridays is also causing a problem. He suggested one side of the street be swept one day and the other side of the street be swept another day.

Jeff Chapman, Costa Mesa, said he owns property on Coolidge and noted his concerns relating to a dumpster and parking.

Ronald Lane, Costa Mesa, said he works as an acting manager for a Coriander Drive apartment owner, noted parking concerns and made a comment about a grandfather clause.

Chris McEvoy, Costa Mesa, said he lives in an apartment and parking is a premium and made a comment regarding generating money for an alley.

Philip Barker, Coriander Drive, made a comment regarding parking.

No one else wished to speak and the Chair closed the public hearing.

Mr. Davis returned to the podium and asked for the Commission's help to install the trash enclosure where the red arrow is (handwritten Page 15 - on the concrete pad off the alley).

Commissioner Mensinger suggested that staff meet with the property owners and does believe the owners have the obligation to make sure the garages are used for parking

purposes. Commissioner McCarthy said he believes the problems cannot be solved tonight.

Vice Chair Clark agreed with Commissioner McCarthy. He also said the location of the trash enclosure needs to be acceptable to both the owner and Planning staff. He suggested continuing this item for further discussion.

Commissioner Fitzpatrick commented about a standard specification for the enclosure, property owners being held accountable, and street sweeping be addressed.

MOTION: Uphold the Zoning Administrator's denial of the waiver, by adoption of Planning Commission Resolution PC-10-10, with a modification that staff work with the property owner to place the trash dumpster in the location mentioned during public hearing discussion along Cinnamon Avenue and the back alley with the necessary screening materials.

Moved by Vice Chair Sam Clark, seconded by Commissioner Jim Fitzpatrick.

The Chair pointed out that this item involves only one property. He commented that property owners need to enforce parking in the garages and dumpsters cannot be in the alley.

Mr. Davis agreed to the location of the trash dumpster.

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.

Vice Chair Clark and Commissioner Fitzpatrick agreed that each trash enclosure needs to be addressed separately.

Commissioner McCarthy thanked Code Enforcement staff for being pro-active and also thanked Mr. Davis.

The Chair explained the appeal process.

5. **Site Address: 1546 Coriander Drive**
Zone: R3
Environmental
Determination: Exempt

Description:

Review of Zoning Administrator's denial of a requested waiver of the trash enclosure requirement.

Chief of Code Enforcement Willa Bouwens-Killeen said she was available to answer any questions from the Commission regarding this item.

Commissioner Mensinger recommended and Ms. Bouwens-Killeen agreed to staff meeting with property owners on a case-by-case basis.

Regarding ex parte communications, the Chair and Commissioner McCarthy said they met with the property owner, and Commissioner Mensinger said he talked with the property owner.

Mr. Panarisi stated that he preferred to work with staff on this item.

Commissioner Mensinger and Ms. Bouwens-Killeen discussed large dumpsters, citing of property owners, and a smaller footprint for enclosures.

Jeff Chapman, Costa Mesa, spoke on smaller trash containers.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Continue 90 days, to the Planning Commission meeting of August 9, 2010, to allow time for staff to work with the property owner and involve the Planning Commissioners, if necessary, to return with conclusions. Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.

During discussion on the motion, the Commissioners, Deputy City Attorney Christian Bettenhausen, and Ms. Bouwens-Killeen discussed a 90-day continuance, creating standards for trash enclosure materials, garage parking, alternate street sweeping on both sides of the street, and education for reducing the generation of trash. Mr. Panarisi agreed to the 90-day continuance.

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.

MOTION: Direct staff within the same 90-day period to work with the property owners and the Apartment Association of Orange County on a plan for the north side of Coriander Drive to identify the best places to provide required enclosures with the least impact to parking and highest possible aesthetics; update trash enclosure material standards; address street sweeping concerns; and provide educational outreach opportunities to encourage residents to reduce trash by recycling and reuse.

Moved by Commissioner Jim Fitzpatrick, seconded by Vice Chair Sam Clark.

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.

The Chair explained the appeal process.

The Chair called a recess at 9:14 p.m. and resumed the meeting at 9:22 p.m.

2. **Application No.: DA-10-01**
Site Address: 1201 South Coast Dr

Applicant: C.J. Segerstrom & Sons
Zone: PDC
Environmental
Determination: Final Program Environmental Impact Report No. 1048; SCH No. 2000071050 certified November 19, 2001.

Description:

From the meeting of April 12, 2010, annual review and Amendment No. 3 to DA-00-01 Home Ranch Development Agreement to include such changes as: specifying fulfillment of development agreement obligations, further defining the future Fire Station location, and revising the Historic District obligations.

Senior Planner Mino Ashabi reviewed the information in the staff report and the supplemental memorandum dated May 4, 2010. She responded to questions from the Commission regarding the supplemental memorandum's figures; the need for another fire station; preservation of the historic site for 50 years; semi-public land use of the historic site; and the previous amendment.

Justin McCusker, authorized agent for C.J. Segerstrom and Sons, noted that this amendment would be in the mutual benefit of the City, residents, and their company, in addition to preserving the property.

Vice Chair Clark and Mr. McCusker discussed the possibility of opening up the property four times a year to the public. Mr. McCusker stated he could look into having a meaningful event next year, but said there have been no requests by the public to see the property.

Mr. McCusker explained the heritage of the house, the endowment, and that the family wants to see the property succeed.

Chris McEvoy, Costa Mesa, inquired if the taxes generated from this project will be able to sustain the fire station.

The Chair responded that the Commission has no knowledge

of that subject.

Assistant Planning Commission Secretary Claire Flynn noted for clarification that the Commission's motion should state the Planning Commission recommends City Council's approval.

**MOTION: Recommend that City Council find the developer in compliance with Segerstrom Home Ranch Development Agreement DA-00-01 and approve the proposed third amendment to the Home Ranch Development Agreement (DA-10-01) by ordinance, by adoption of Planning Commission Resolution PC-10-12.
Moved by Commissioner Colin McCarthy, seconded by Commissioner Stephen Mensinger.**

During discussion on the motion, the Chair gave his support for the motion and said this item is a policy issue for the City Council.

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.

3. **Application Nos. and Site Addresses: PA-09-02/PM-09-131 at 2160 Myran Dr. and PA-09-03/PM-09-132 at 2172 Myran Dr.**

Applicant: Willard Chilcott

Zone: R2-MD

Environmental

Determination: Exempt

Description:

These are two proposed residential common-interest developments under the same ownership at 2160 and 2172 Myran Drive. The applications for each property involve the following: Time extension for previously-approved two-story, two-unit common-interest development and consideration of corresponding tentative parcel map to facilitate the subdivision for condominium purposes.

Because the proposals for each property are identical, the analysis is combined in one staff report with separate resolutions for each required action.

Senior Planner Mel Lee reviewed the information in the staff report giving the history of these properties and explaining the incorporation of the two planning applications to correspond with their tentative parcel maps. He also noted Condition No. 11 for both applications relating to the placement of the second story bedroom windows. There were no questions of staff.

The Chair confirmed with the Commissioners that there were no ex parte communications.

Willard Chilcott, applicant and property owner, agreed to all the conditions of approval and responded to Commissioner McCarthy that construction will start as soon as the economy improves and said in the meanwhile, the parcel maps would enhance the projects. He also replied to Commissioner Fitzpatrick that the buildings will be tear-downs.

Commissioner Fitzpatrick requested staff to keep a close watch on the properties during the extension period.

Pamela Frankel, resident on Myran Drive in Costa Mesa, expressed concern regarding her quiet enjoyment being destroyed; density issues, preservation of existing trees, and absentee homeownership of the properties.

Tiny Hyder, resident on Myran Drive in Costa Mesa, opposed the projects and referenced Condition of Approval No. 13 (new paved driveway surface) stating that her property taxes would increase. She also expressed concern with Condition No. 18 (establishment of a homeowner's association), and Condition Nos. 20 and 22 (related to private vehicle access easement). Ms. Hyder commented about rats on the properties and an absentee homeowner problem.

Mr. McEvoy mentioned that these properties are part of a unique area and expressed concern regarding the quality of life if the projects are approved.

Deputy City Attorney Christian Bettenhausen advised that the applicant is allowed to respond to the public comments. The applicant declined to speak.

Mr. Lee replied to Commissioner McCarthy that the zoning is R2-MD.

Vice Chair Clark asked Mr. Lee to contact Vector Control to address the rat problem. He also asked Mr. Lee to confirm that a homeowner's association is established for the properties and to notify the Police Department of the no parking on the private vehicle access easement.

**MOTION: Approve the extension of time for Planning Application PA-09-02 and approve Tentative Parcel Map PM-09-131, with both applications remaining valid for 24 months from the date of the resolution, by adoption of Planning Commission Resolution PC-10-13, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".
Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.**

During discussion on the motion, Vice Chair Clark pointed out that the Council has approved these specific applications in the past and the property owner has his rights.

The Chair and Commissioner Fitzpatrick supported the motion and commented on parking, the easement, and being a good neighbor.

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.

MOTION: Approve the extension of time for Planning Application PA-09-03 and approve Tentative Parcel Map PM-09-132, with both applications remaining valid for 24 months from the date of the resolution, by adoption of

**Planning Commission Resolution PC-10-14, based on the evidence in the record and the findings contained in Exhibit “A”, subject to conditions in Exhibit “B”.
Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.**

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.

The Chair explained the appeal process and Ms. Flynn provided the date of the next City Council meeting, May 18.

- 4. Application No.: ZA-10-05**
Site Address: 1805 Placentia Avenue
Applicant: Anna Lauri/Shore Break
Consultants
Zone: MG
Environmental
Determination: Exempt

Description:

From the meeting of April 12, 2010, minor conditional use permit for a recycling and collection facility within an existing 7,500 sq. ft. industrial building.

Senior Planner Mel Lee reviewed the information in the staff report, and there were no questions of staff.

Regarding ex parte communications, Vice Chair Clark, Commissioner McCarthy, and Commissioner Mensinger said they each spoke to the applicant and the Chair said he spoke with the applicant and some neighbors.

Anna Lauri, authorized agent for Bear Investment Properties LLC, stated that no government monies are received by Cash 4 Cans and this business is mandated by the State’s Department of Recycling. She provided a PowerPoint presentation and explained the daily operations of the recycling

center. Ms. Lauri also said that in response to the Planning Commission and the property owner's suggestion, a neighborhood meeting was held last Thursday onsite. She pointed out the two big concessions that will be made for this project: a seven-foot high, split-face block wall, and the building will be painted. Ms. Lauri commented on safety concerns, noise, odor, and landscaping.

Ms. Lauri responded to questions from the Commission relating to the length of time before the bins are recycled and replied, "when they reach full capacity."

A discussion ensued among Commissioner Mensinger, Mr. Lee, and Ms. Lauri regarding removing the driveway and making landscape upgrades. Mr. Lee noted that a minor conditional use permit can require landscape upgrades and Ms. Lauri added she would abide by the requirements.

Commissioner Fitzpatrick commented on the owner's other Cash 4 Cans business in Bellflower and visiting that location. He noted that the Bellflower location had a strong odor and the ground was sticky. He mentioned hand-written Page 18 of the staff report and said the transfer process invites noise, liquids leak on the ground surface, and inquired about the Best Practice for bins and using mesh. A discussion ensued between Commissioner Fitzpatrick and Ms. Lauri regarding the bin/cart; mitigating noise transfer and eliminating liquid transfer; studies of the Bellflower facility; noise ordinance requirements; and cleaning and deodorizing the facility. Deputy City Attorney Christian Bettenhausen discussed protecting the existing use of the property.

Commissioner Fitzpatrick and Ms. Lauri discussed traffic concerns and handling large volumes of vehicles, a one-way drive isle, and the potential bottle cap accumulation issue onsite.

Kathleen Eric, Costa Mesa, provided a petition signed by 55 people opposed to the project and voiced her concerns regarding the size of this business. She stated she was not against recycling, but the location of the recycling business. She also provided pictures.

Beth Refakes, Costa Mesa, expressed concern regarding the inappropriate location of the business, the potential fire hazard, constant dumping noise, odor, and run-off from power washing. She stated the nearby residents are opposed to the project.

Jim Wedgeworth, Costa Mesa, provided pictures and spoke on the narrowness of 18th Street along side the business and expressed concern regarding traffic.

Christian Eric, Costa Mesa, noted that he likes recycling, but this business would put residents at risk. He commented on the Whittier Elementary School located nearby, the heavily traveled street (Placentia Avenue), and the liquor stores. He also said 18th Street is a narrow street and estimates 300 customers a day with 30-35 customers an hour at this location and noted Orange Coast College's Recycling Center has a count of 255 customers a day.

John Hawley, Costa Mesa, mentioned that he has done some research on Garcia's Recycling business on 19th Street and said the State pays \$1.57 a pound for cans, Cash 4 Cans pays \$1.81 a pound, and may be offering up to \$1.92 a pound in the future. Mr. Hawley said he expects well over 600 vehicles/customers a day at Cash 4 Cans resulting in a long back-up of vehicles. He asked the Planning Commission to deny the request.

Ms. Lauri returned to the podium to reply to the previous comments made. Relating to the petition, Ms. Lauri asked that the petitioners give more pertinent information on the petition. She commented that this application does not activate a requirement for an overlay; other recycling sites are far more dangerous; all of Placentia Avenue has a single turning lane; one driveway has been instituted for handling traffic concerns; and also commented on Garcia's Recycling Center. Ms. Lauri stated she did a good job addressing the issues and thought the number of vehicles a day might be 255, but she was not sure.

No one else wished to speak and the Chair closed the public

hearing.

Commissioner McCarthy noted that he could not support the project and said the use is inappropriate.

Vice Chair Clark said he appreciated the efforts of the applicant, but could not support the project at this location. He commented on the number of vehicles, the facility in Bellflower, and concerns regarding Placentia Avenue.

MOTION: Deny Zoning Application ZA-10-05, by adoption of Planning Commission Resolution PC-10-15, based on the evidence in the record and the denial findings contained in Exhibit "A", with a modification to Finding "B", adopted as follows:

FINDINGS (DENIAL)

B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the minor conditional use permit in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood. Specifically, although the residential uses abutting the property are legal nonconforming, potential adverse noise impacts (and resulting incompatibility with surrounding properties) will result from customers emptying recycled materials into the containers provided at the facility as well as the pouring of recycled glass and metal into the commercial containers picked up at the property by trucks. The on-site parking area does not have sufficient space to allow for parking, loading and unloading of customer vehicles for the proposed use based on similar uses operated by the business owner and other recycling centers in the City.

Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.

During discussion on the motion, the Chair made some

comments regarding the number of vehicles per hour and the entire operation being on the property. He asked that an additional denial finding be included in the motion addressing parking and loading and unloading of vehicles. The maker of the motion and the seconder agreed.

Ms. Lauri returned to the podium and asked if the application could be withdrawn (site specific).

MOTION: Continue to the Planning Commission meeting of June 14, 2010 to allow time for staff to work with the applicant to mitigate some of the issues.

Moved by Commissioner Jim Fitzpatrick. The motion died for lack of a second.

The Chair called for the vote on the main motion.

The motion carried by the following roll call vote:

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

Noes: Commissioner Jim Fitzpatrick

Absent: None.

The Chair explained the appeal process.

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, JUNE 14, 2010.**

There being no further business, Chairman Righeimer adjourned the meeting at 11:31 p.m. to the next Planning Commission meeting at 6:00 p.m. on June 14, 2010.

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