

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
July 12, 2010**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:00 p.m., July 12, 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: Plng. Comm. Secy. Khanh Nguyen

Deputy City Attorney Tom Duarte

City Engineer Ernesto Munoz

Senior Planner Mel Lee

Associate Planner Wendy Shih

Assistant Planner Rebecca Robbins

III. PUBLIC COMMENTS:

Martin Millard, Costa Mesa, expressed concern regarding the City's purchase of a property on Harding Way and a future purchase of 975 Paularino Avenue; Mercy Housing's involvement in the purchase; and the Neighborhood Stabilization Program.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy commented on the recent birth of his child; the Barrett/Jackson event; and the Redevelopment and Residential Rehabilitation (3R) Committee partnering with Mercy Housing relating to the properties on Harding Way and at 975 Paularino Avenue.

Vice Chair Clark noted that he would follow-up on the Mercy Housing properties on Harding Way and at 975 Paularino Avenue to get more information.

The Chair commented on the Barrett/Jackson event and its positive effect on the community; mentioned the article and picture of Commissioner Mensinger and himself in the Daily Pilot regarding the solar panels installed on the Neighborhood Community Center as part of a Power Purchase Agreement the City made with SolarCity. He acknowledged City staff members for their involvement in this project.

Commissioner Fitzpatrick commented on his graduation from Leadership Tomorrow and being selected as the most inspiring leader of that group; noted the Battle of the Brush held at Canyon Park; spoke on the Green Task Force and bicycle racks being placed at Mother's Market at 19th Street/Newport Boulevard; explained the Zero Waste Solution; and announced that he and Commissioner Mensinger would be speaking at tomorrow's City Council Study Session relating to Title 20 - Code Enforcement.

V. CONSENT CALENDAR:

1. Minutes for the meeting of June 14, 2010.

Commissioner Fitzpatrick pulled Consent Calendar Item No. 2 for discussion and the Chair pulled Consent Calendar Item No. 3 for discussion. The Chair asked for a motion 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. Code Enforcement Update

Vice Chair Clark expressed his concerns regarding this update, specifically the number of Code Enforcement cases for one address with no citations. Commissioner Fitzpatrick agreed.

Commissioner Mensinger commented on Code Enforcement's direct costs and indirect costs and noted the timely City Council Study Session's item addressing Title 20 tomorrow night.

The Chair pointed out that Commissioner Fitzpatrick and Commissioner Mensinger would be speaking on the Title 20 Study Session Item tomorrow night. He also pointed out that the City Council approved raising the Code Enforcement fines, but a warning must be given first prior to a fine.

Martin Millard, Costa Mesa, made a comment that the City needs to be careful and not become like a neighboring city.

The Chair understood and commented about another city.

Planning Commission Secretary Nguyen provided information on two additional addresses for the Code Enforcement Update: 1600 Primrose Street and 1600 Adams Avenue.

Commissioner Mensinger noted that he hopes Mr. Millard can attend tomorrow's Study Session. Commissioner Mensinger asked staff to include a list of completed projects to the report and Mr. Nguyen acknowledged in the affirmative.

MOTION: Receive and file.

**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.

3. Modification to Format and Level of Detail of Meeting Minutes

The Chair discussed the level of detail of the meeting minutes and noted a videotape is made of each meeting. He expressed concern with minimizing the level of detail of the meeting minutes.

Commissioner Fitzpatrick described how the meeting minutes are presently very detailed. He noted the City of Newport Beach takes action minutes and suggested the City of Costa Mesa do the same. He mentioned that the video of the meetings (Planning Commission meetings) have jump-to-points. He also mentioned that if a Commissioner wants a particular comment kept in the minutes, he should state that the comment is "for the record." Commissioner Fitzpatrick asked staff to give clarification on this item.

MOTION: Continue to the Planning Commission meeting of August 9, 2010.

Moved by Commissioner Jim Fitzpatrick, 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.

Vice Chair Clark asked that Public Hearing Item Nos. 2 and 4 be moved in front of Public Hearing Item No. 1 because the applicants have requested continuances on those items.

VI. PUBLIC HEARINGS:

2. **Application No.: PA-10-08**
Site Address: 1785 Monrovia Ave.
Applicant: Charles T. Collett
Zone: MG
Environmental
Determination: Exempt

Description:

Conditional use permit for limited automotive repair in conjunction with an existing towing business (Jim's Towing), located within 200 feet of residentially zoned properties.

The Chair asked if anyone wished to speak on this item that would not be able to attend the meeting of August 9, and no one wished to speak.

MOTION: Continue to the Planning Commission meeting of August 9, 2010.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

4. **Application No.: ZA-89-25 and ZA-92-10**
Site Address: 739 W. 19th Street
Applicant: Jesse Garcia
Zone: C1
Environmental
Determination: Exempt

Description:

Review, modification, and/or revocation of Minor Conditional Use Permit ZA-92-10 for a recycling center with a maximum of two containers in a commercial shopping center.

The Chair announced that the public could speak on this item tonight or at the continued meeting date of August 9, but not at both meetings. He asked Senior Planner Mel Lee to review the item.

Mr. Lee briefly reviewed the information in the staff report and noted receipt of a request for continuance to the meeting of August 9. The Chair opened the public hearing.

Edward Carmona, Center Street, Costa Mesa, opposed the recycling center stating that the containers with cans and trash destroy the City and this recycling center does not belong there.

The Chair explained that the Planning Commissioners received calls on this item and Commissioner Mensinger brought this item up for review.

Patricia Chen, attorney for applicant, said she requested a continuance to allow time for her to speak with Cal Recycle and poll the customers. She said the applicant is willing to do whatever is necessary to keep this recycling center in business.

**MOTION: Continue to the Planning Commission meeting of August 9, 2010.
Moved by Commissioner Colin McCarthy, seconded by Commissioner Jim Fitzpatrick.**

Commissioner Mensinger supported the motion and Commissioner McCarthy suggested that the applicant talk with their neighbors. Commissioner Fitzpatrick also suggested that the applicant focus on neighbors' concerns and be site specific.

Commissioner Mensinger reiterated that he brought this item up for review and asked the applicant to focus on best practices for this use.

The motion carried by the following roll call vote:
Ayes: Chair James Rigeimer, Vice Chair Sam Clark,

Commissioner Jim Fitzpatrick, Commissioner Colin
McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

- 1. Application No.: PA-08-12**
Site Address: 1512 Bristol Street
Applicant: Abid Ali Malik
Zone: C2
Environmental
Determination: Exempt

Description:

Extension of time for a conditional use permit for the construction of a convenience store and self-serve car wash, of which would replace an existing mini-mart and auto service building for South Coast Shell service station.

Associate Planner Wendy Shih reviewed the information in the staff report and Planning Commission Secretary Nguyen responded to a question from Commissioner Fitzpatrick regarding plan check and the new codes. He explained that the new Energy Code became effective in January 2010 and the Green Building Code and other Building Codes will become effective in January 2011. He also explained that regardless of whether the time extension is approved by the Commission, the building plan check extension would not be granted past the end of this year.

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

Abid Ali Malik, applicant, confirmed that an extension is needed to obtain funding to complete plan check.

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

MOTION: Approve an extension of time for Planning Application PA-08-12 to September 22, 2011, by adoption of Planning Commission Resolution PC-10-20, based on

the evidence in the record.

**Moved by Commissioner Colin McCarthy, 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.

3. **Application No.: PA-10-12**
Site Address: 2970 Airway Avenue
Applicant: Jerry Raymond
Zone: MP
Environmental
Determination: Exempt

Description:

Conditional use permit to operate a sports entertainment center (Sky High Sports) in an existing 40,392 sq. ft. industrial building.

Associate Planner Wendy Shih reviewed the information in the staff report and responded to a question from the Commission regarding the structure in the rear of the property and parking.

The Chair confirmed with the Commissioners that there were no ex parte communications and opened the public hearing.

Jerry Raymond, applicant, gave a detailed presentation and commented on parking.

Mr. Raymond explained to Commissioner Fitzpatrick and Commissioner McCarthy the expected range of vehicle traffic on Airway Avenue; described the party activities, the snack bar, and on-line bookings; and discussed the drop-off and pickup of customers. He also explained that 70% of bookings are on-line and 90% of tickets are purchased on-line in advance.

Steve Giraud, nearby neighbor, expressed concern regarding

over-flow parking, late night littering, and jaywalkers.

Joe Lilullo, nearby neighbor, expressed concern regarding parking, the number of customers in the building, and the proximity of the church.

Mr. Raymond returned to the podium and said they would be good neighbors and clean up their trash, even on neighboring properties. He explained that 100 people (customers) will equal out to approximately 30 vehicles because people will arrive in groups.

Mr. Raymond replied to Commissioner Mensinger that he has not met his closest neighbors, but has met his neighbors further down the street.

Commissioner Mensinger and Ms. Shih discussed over-flow parking, reducing ticket sales, and bringing the conditional use permit back for review/modification if deemed necessary.

Mr. Giraud returned to the podium and pointed out his concerns with the nearby church (Rock Harbor) relating to signage, billboards, and jaywalking. He said it is a nightmare.

Commissioner Mensinger advised Mr. Giraud and the public to notify the City if there are concerns with a property/business. Commissioner Mensinger asked Mr. Nguyen to review this business site (Rock Harbor) further.

Commissioner Fitzpatrick discussed Condition No. 10 (parking); said Rock Harbor should be contacted regarding parking concerns; and commented on the occupancy limits for this project. Mr. Raymond added that he would be happy to revisit these concerns on a quarterly basis.

Commissioner Fitzpatrick suggested, and the Commissioners and Mr. Raymond discussed removing Condition No. 9 (on-site parking supply restored). A discussion ensued regarding costs involved and revisiting on-site parking at a later date.

Vice Chair Clark and Mr. Raymond discussed tickets sales, the maximum tickets that can be sold in an hour (112), and the

flow of customers throughout the day.

The Chair closed the public hearing.

Vice Chair Clark suggested replacing Condition No. 9 with the wording "120 ticket sales per hour" thereby limiting the number of people in the building, and removal of the back structure if a parking problem is observed during quarterly monitoring, as Commissioner Fitzpatrick previously mentioned.

MOTION: Approve Planning Application PA-10-12, by adoption of Planning Commission Resolution PC-10-21, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to Condition Nos. 9 and 10, adopted as follows:

CONDITIONS OF APPROVAL

9. On-site parking shall contain a minimum of 95 spaces prior to issuance of permits for any tenant improvements and/or establishment of the business, under the direction of the Planning Division. Ticket sales shall not exceed 120 persons per hour.

10. All parking for patrons and employees of the business shall occur on-site. Employee parking on the public streets shall be considered a violation of the terms of approval of the conditional use permit. Staff will monitor the on-site parking on a quarterly basis during the first year of operation.

If a parking shortage or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing the number of ticket sales/occupants in the building at any one time and/or removing the storage area at the rear of the lot and restore the on-site parking supply to 106 spaces.

A quarterly report will be forwarded to the Planning

Commission upon anytime the Commission may call up for review the conditional use permit.

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

During discussion on the motion, Commissioner Mensinger said he agrees with staff's recommendations and will not support the motion.

Vice Chair Clark and Commissioner McCarthy discussed changing Condition No. 9 to read 95 parking spaces.

A discussion ensued regarding Condition 9; not penalizing the applicant; staff's recommendations; and parking studies. The Chair supported the motion.

The Commissioners continued to discuss parking and Commissioner Mensinger reiterated that staff recommended Condition No. 9 and noted for the record he loves bounce houses, and he has children, but emphasized the restoration of the parking.

Ms. Shih noted a plan of 1985 and a railing built, but said further review was needed in response to Commissioner Mensinger's question if the railing was illegally built.

Commissioner Fitzpatrick continued to discuss parking and adding additional parking spaces in the back of the property, and discussed the railing.

The motion carried by the following roll call vote:

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

Noes: Commissioner Stephen Mensinger

Absent: None.

The Chair explained the appeal process and Mr. Nguyen noted the date of the next Council meeting as August 3.

5. **Application No.: PA-10-04**
Site Address: 2624 Newport Blvd.

Applicant: David Hesam
Zone: C1
Environmental
Determination: Exempt

Description:

Conditional use permit to operate a motor vehicle rental facility (ABC Car Group) with outdoor storage of up to 20 vehicles, primarily recreational vehicles (RV's).

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding the height of the business-side fence and residential-side block wall; and Condition No. 4 (no washing of vehicles).

Commissioner Fitzpatrick stated for the record that his carwash business could not do business for this applicant. He also commented on the language of a condition being re-worded.

Mr. Lee continued to answer questions from the Commission regarding code requirements that were forwarded to the applicant; height limit for signs; and more detail of the quality-looking features of the project.

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

The Chair opened the public hearing.

David Hesam, applicant, noted that the wood sign is an old "for lease" sign and said the car washing will be done at another location. He explained that it is too costly for a carwash service onsite. He added that 20 recreational vehicles can be parked for storage at this business.

Commissioner McCarthy and Mr. Hesam discussed the wood fence, the block wall, and replacing the fence with a new wall, and planting some 7'-8' trees. Mr. Hesam agreed to plant what was recommended by staff.

The Chair commented on Condition No. 4 (vehicle washing) and the standard for signage (a monument sign). Mr. Hesam

noted an option for a billboard, as a logo with a light, but stated he would accept whatever was allowed.

Mr. Lee noted that for this project, illuminated signs are restricted from residential view.

There were no public comments and Mr. Hesam agreed to the conditions of approval with the monument sign.

Vice Chair Clark discussed with Mr. Lee and Mr. Hesam the possibility of an 8' block wall and making it part of Condition No. 10. Mr. Lee noted that requirement is for new development and this project is for a change of use. Mr. Hesam agreed with the property owner regarding the wood fence, but Vice Chair Clark noted that sound needs to be mitigated.

Commissioner McCarthy suggested placing a back-to-back block wall and Vice Chair Clark suggested extending the block wall between the properties to 8' high.

Mr. Hesam introduced Susan Beck, representative for the property owner, and she and Vice Chair Clark discussed the suggested 8' block wall between the properties, the 7' fence, and landscaping. Ms. Beck asked if the landscaping would be eliminated if there was an 8' block wall, but Vice Chair Clark replied that the wood fence could be eliminated.

In response to Commissioner Mensinger's question if she is agreeable to the condition of approval of a landscape plan, Ms. Beck agreed and Mr. Lee added there is no detailed landscape plan submitted by the applicant. He also noted Condition No. 12 regarding upgrades to the existing landscaping throughout the entire property.

Mr. Hesam discussed the Nationwide RV Company and explained that 90% of the vehicles are not picked up and 10% are picked up at the airport. Mr. Lee added that high profile vehicles have been recommended to be stored in the rear of the property.

The Chair closed the public hearing.

Commissioner McCarthy said he understands the costs involved and the residential concerns, noted his difficulty with the 6' block wall, and said he was in full agreement with the monument sign.

Commissioner Fitzpatrick commented that he received the letter from the neighboring homeowner association and said Code Enforcement does not address vehicles in the public right-of-way. Mr. Lee agreed.

MOTION: Approve Planning Application PA-10-04, by adoption of Planning Commission Resolution PC-10-22, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to Condition Nos. 4 and 10, and the addition of a new condition, No. 14, adopted as follows:

CONDITIONS OF APPROVAL

4. No repair or washing of vehicles shall occur on the site, unless the vehicle washing operation complies with all standard water quality regulations.

10. The existing screen fence abutting residential property to the rear shall be replaced with a new block wall a minimum of 8 feet in height, or an additional two feet shall be added to the existing 6 foot high block wall if agreeable to the neighboring property owner.

**14. The applicant shall construct a monument sign, subject to City Sign Code requirements.
Moved by Vice Chair Sam Clark, seconded by
Commissioner Stephen Mensinger.**

During discussion on the motion, Commission Fitzpatrick asked the maker of the motion, Vice Chair Clark, if he would agree to removal of Condition No. 4 and Vice Chair Clark asked for clarification. A discussion ensued regarding removal of washing of the vehicles and Commissioner Fitzpatrick noted that the condition was unnecessary. The Chair pointed out

that there is a conditional use permit process. The Vice Chair said he would not remove the condition.

Commissioner Fitzpatrick stated he would not support the motion. Another discussion ensued and Commissioner Mensinger suggested specific language for the condition and Mr. Lee suggested, "no repair or washing of vehicles unless low water is used." The maker of the motion and the seconder agreed. Commissioner Fitzpatrick asked why that function should be eliminated.

Mr. Lee explained that the site does not have a facility for washing vehicles. Commissioner Fitzpatrick said there could be a separate process. Another discussion ensued regarding requirements for water quality provisions and Commissioner Fitzpatrick noted that it was unnecessary.

Mr. Nguyen suggested that Condition No. 4 could be amended to read, "No repair or washing of vehicles shall occur on the site unless the washing of vehicles operation meets all the standard water quality regulations."

Commissioner Fitzpatrick still questioned why the condition was necessary.

Deputy City Attorney Tom Duarte mentioned this amendment is a catch-all and is necessary. He was agreeable to the language and so was Commissioner Mensinger. The Chair asked if the maker and seconder of the motion agreed to the amended language and both agreed.

The Chair noted that the property needs to be brought up more to City standards; mentioned the "catch-all" language is necessary; and said future discussion is needed regarding vehicle washing concerns.

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.

VII. BUSINESS ITEM:

1. Direction to Seek Council Authorization for Work Requests:

(1) Minor Conditional Use Permits for Accessing Residential Uses

(2) Block Walls in Residential Zones

(3) Street Banners

Assistant Planner Rebecca Robbins reviewed the information in the staff report, and there were no questions from the Commission.

MOTION: Direct staff to seek Council authorization for the work requests, including authorization of an additional work request on granny units/accessory apartments. Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.

During discussion on the motion, Commissioner Mensinger asked when the requirements to seek Council authorization came into effect and Mr. Lee responded that it has been a Council policy for several years.

Commissioner Mensinger noted that he discussed these items with Development Services Director Kimberly Brandt and she brought this request forward. He also noted that granny units were not included in this request.

A discussion ensued and Commissioner Fitzpatrick commented on granny units and asked that they be included in this request. Vice Chair Clark agreed with the addition of this request.

Commissioner Fitzpatrick commented on an example relating to accessory bathrooms and Commissioner McCarthy agreed.

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.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

**X. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING
AT 6:00 P.M. ON MONDAY, AUGUST 9, 2010.**

There being no further business, Chairman Righeimer adjourned the meeting at 8:43 p.m. to the next Planning Commission meeting at 6:00 p.m. on August 9, 2010.

Submitted by: _____
KHANH NGUYEN, SECRETARY
COSTA MESA PLANNING COMMISSION