

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
August 9, 2010 - 6:00 p.m.  
City Hall, 77 Fair Drive, Costa Mesa, California**

These meeting minutes represent an “action minute” format with a concise summary of the meeting. A video of the meeting may be viewed on the City’s website at [www.ci.costa-mesa.ca.us](http://www.ci.costa-mesa.ca.us) or purchased on DVD upon request.

**I. ROLL CALL:**

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

Absent: None.

**II. PUBLIC COMMENTS:**

There were no public comments.

**III. CONSENT CALENDAR:**

**1. Minutes for the Meeting of July 12, 2010.**

**MOTION: Approve.**

**Moved by Commissioner Stephen Mensinger, 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.

**2. Code Enforcement Update**

**MOTION: Receive and file.**

**Moved by Commissioner Stephen Mensinger, 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. From the Meeting of July 12, 2010, Modification to Format and Level of Detail of Meeting Minutes**

**MOTION: Approve.**

**Moved by Commissioner Stephen Mensinger, 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.

**IV. PUBLIC HEARINGS:**

- 7. Site Address: 1546 Coriander Drive  
Zone: R3  
Proj. Planner: Willa Bouwens-Killeen  
Environmental  
Determination: Exempt**

**Description:**

**From the meeting of May 10, 2010, review of Zoning Administrator's denial of a requested waiver of the trash enclosure requirement.**

There were no public comments.

**MOTION: Uphold the Zoning Administrator's denial of the waiver, by adoption of Planning Commission Resolution PC-10-23.**

**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.

**1. Application No.: PA-10-08**

**Site Address:** 1785 Monrovia Ave.  
**Applicant:** Charles T. Collett  
**Zone:** MG  
**Proj. Planner:** Wendy Shih  
**Environmental  
Determination:** Exempt

**Description:**

From the meeting of July 12, 2010, 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.

**MOTION: Continue to the Planning Commission meeting of September 13, 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, Commissioner Jim Fitzpatrick, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

**Noes:** Vice Chair Sam Clark

**Absent:** None.

2. **Application No.:** PA-07-02  
**Site Address:** 372, 378, & 382 Victoria St.  
**Applicant:** Erick Van Wechel  
**Zone:** PDR-HD  
**Proj. Planner:** Minoo Ashabi  
**Environmental  
Determination:** Exempt

**Description:**

A request for an extension of time for Planning Application PA-07-02, a 30-unit, single-family, detached common-interest master plan development.

A College Avenue resident, "name inaudible", noted that improvement is needed in maintaining the project site.

**MOTION: Approve a two-year extension of time for Planning Application PA-07-02 to July 3, 2012, by adoption of Planning Commission Resolution PC-10-24, based on the evidence in the record.**

**Moved by Commissioner Colin McCarthy, seconded by Commissioner Jim Fitzpatrick.**

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.

**3. Application No.: ZA-89-25 and ZA-92-10**

**Site Address: 739 W. 19th Street**

**Applicant: Jesse Garcia**

**Zone: C1**

**Proj. Planner: Mel Lee**

**Environmental**

**Determination: Exempt**

**Description:**

**From the meeting of July 12, 2010, 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 confirmed with Senior Planner Mel Lee for the record that the applicant received a copy of Costa Mesa Sanitary District's letter dated August 9, 2010.

Regarding ex parte communications, Commissioner McCarthy said he spoke to neighbors in the area and the Chair, Commissioner Fitzpatrick, and Commissioner Mensinger said they received e-mails.

Steven Miles and Patricia Chen from Miles + Chen Law Group, representing Garcia Recycling, gave presentations.

Mr. Miles stated for the record that the photographs provided during staff's review of the agenda report were outdated and do not reflect what is current.

Jesse Garcia, property owner, provided some additional information.

Franca Carmona, Center Street resident, noted her only objection was the location of the recycling center.

Claudette Mekalian, Newport Beach, supported the recycling center and the jobs it provides.

Vince Panico, Huntington Beach, spoke in support of the recycling center and said he has been a customer of this business for over 10 years.

Chuck Perry, Costa Mesa, expressed concerns regarding the growth of this business and spilled liquids.

Eric Larsen, Costa Mesa, supported the recycling center.

LaVonn Larsen, Costa Mesa, spoke in favor of the recycling center and its employees and said this business provides her income.

**MOTION: Revoke Zoning Applications ZA-89-25 and ZA-92-10, by adoption of Planning Commission Resolution PC-10-25, based on the evidence in the record and the findings contained in Exhibit “A” of the supplemental memo dated August 4, 2010, with modifications to Findings “A”, “A.7”, and the addition of a new finding “A.8”, adopted as follows:**

### **FINDINGS**

**A. Revocation of ZA-89-25 and ZA-92-10 was initiated because the operation of the use (a recycling facility) was determined to constitute a public nuisance pursuant to Municipal Code Section 13-29(o) (Enforcement Authority). Based on the evidence submitted into the public record, the use is not being operated in compliance with the conditions of approval for ZA-89-25 and ZA-92-10, specifically:**

**7. If the minor conditional use permits are revoked, the City will remain in compliance with all applicable provisions of State Law as it pertains to recycling and waste management. Specifically, revocation would not result in an unserved “convenience zone” as defined by State Law because the area would continue to be served by the existing recycling facility at Von’s Market. Additionally, per the letter submitted into the public record by the Costa Mesa Sanitary District dated August 9, 2010, revocation of the minor conditional use permits would not compromise the Integrated Waste Management Plan because the City’s Sanitary District separates recyclables from regular trash to comply with the applicable beverage container diversion goals.**

**8. The use is not being operated in compliance with the conditions of approval for ZA-89-25 and ZA-92-10 in that the original approval was for a neighborhood recycling facility approved to operate within the parking area for the 739 W. 19<sup>th</sup> Street property.**

**Based on the evidence submitted into the record, the original operation has expanded to the scale and intensity of a regional recycling facility, processing approximately 4.2 million pounds of recyclable materials annually. This expansion has resulted in a scale and intensity of use**

**beyond the boundaries of the subject property, requiring the use of the parking area for the adjacent 709 W. 19<sup>th</sup> Street property for the unloading of recyclable materials by customers.**

**Moved by Commissioner Stephen Mensinger, seconded by Commissioner Jim Fitzpatrick.**

SUBSTITUTE MOTION: Receive and file.

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

During discussion on the substitute motion, Commissioner McCarthy withdrew his second and the motion died.

The Chair called a recess at 8:23 p.m. and resumed the meeting at 8:32 p.m.

The Chair asked that an additional finding be included regarding the scale and intensity of use and Mr. Lee agreed to incorporate the finding. The maker and seconder of the original motion also agreed.

SUBSTITUTE MOTION: Revoke Zoning Application ZA-89-25 and modify Zoning Application ZA-92-10, by adoption of Planning Commission resolution, based on the evidence in the record and the findings contained in Exhibit "A" on handwritten Page 8, subject to modified conditions in Exhibit "B" on handwritten Pages 9 and 10.

Moved by Vice Chair Sam Clark. The motion died for lack of a second.

The Chair called for a vote on the original motion.

The motion carried by the following roll call vote:

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

Noes: Vice Chair Sam Clark

Absent: None.

The Chair explained the appeal process.

- 4. Application No.: PA-10-15**  
**Site Address: 3183 Red Hill Avenue**  
**Applicant: Scott vonKaenel**  
**Zone: MP**  
**Proj. Planner: Minoo Ashabi**  
**Environmental**  
**Determination: Exempt**

**Description:**

**Conditional use permit for the following: (1) potential off-site parking pursuant to a reciprocal access and parking agreement with 3187 Red**

**Hill Avenue; and (2) intermediate after-school classes/programs for up to 150 students at the church facility (The Center for Spiritual Living).**

Deputy City Attorney Richard Adams noted he received correspondence late today from Allen Matkins Attorneys at Law and could not review it in time for this meeting.

Scott vonKaenel of Lundstrom and Associates, applicant, made a presentation.

Reverend Jim Turell of the Center for Spiritual Living gave a brief overview of the after-school program proposed.

Stephen Lam, representing Weir Canal, LLC, the property owner of 3187 Red Hill Avenue, opposed the application citing inadequate parking and the impact on traffic.

Matthew Fogt of Allen Matkins, representing Weir Canal, presented issues relating to parking/traffic.

David Coulter, neighboring tenant, opposed the application and expressed concern regarding parking, traffic, and the speed of the traffic.

Kathe Morgan of Lee & Associates, representing the applicant, noted that services are provided on Sunday and Wednesday evenings, and commented on the neighboring building being on the market.

Diana Lin, representing Weir Canal, said the previous statement made by Ms. Morgan was false concerning their building being on the market.

Synthia Neyland, Costa Mesa, commented on other CC&R's applicable to this site and the church and school uses in the same industrial area.

Jon Lundstrom, Lundstrom & Associates, noted the emphasis on safety for the students and said there is ample room for traffic/queuing in addition to using alternative routes.

**MOTION: Approve Planning Application PA-10-15, excluding the request for sanctuary seating in excess of 300 seats which requires off-site parking, by adoption of Planning Commission Resolution PC-10-26, based on the evidence in the record and the findings contained in Exhibit "A", with a modification to Finding "B", and subject to conditions in Exhibit "B" of the supplemental memo dated August 5, 2010, and with modifications to Conditions Nos. 2 and 8 as follows:**

**FINDINGS**

**B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed after school classes are substantially compatible with developments in the area and would not be materially detrimental to other properties within the area since the proposed hours of operation for the church services and classes are during times that neighboring businesses are not operating. The proposed number of students can be accommodated within the existing building and the on-site parking available on 3183 Red Hill Avenue. In addition, the student shuttle drop-off and pick-up area is within the private property with more than 100 feet from the McCormick Ave. that is not anticipated impacting the traffic and circulation around the site.**

**The approval of Planning Application PA-10-15 applies to the proposed after school program and does not include authorization of off-site parking.**

**CONDITIONS OF APPROVAL**

**2. Approval of Planning Application PA-10-15 exclusively relates to the proposed after school program as described in the Planning Commission staff report for the August 9, 2010 meeting. Applicant shall apply and obtain approval of a Conditional Use Permit for any off-site parking from the Planning Commission.**

**8. The applicant shall maintain and monitor all their activities within their parking lot so that none of the parking spaces on the adjacent properties are used by church members or after school program.**

**Moved by Commissioner Colin McCarthy, seconded by Chair James Righeimer.**

During discussion on the motion, the Chair asked for additional language relating to no parking on the neighboring property. The maker of the motion agreed.

Commissioner Fitzpatrick asked that the applicant be allowed another 30 days prior to the Planning Commission making a decision on this application. There was no response.

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.

**5. Application No.: PA-10-13 and PM-10-117  
Site Address: 2568 Orange Avenue  
Applicant: Kerry Smith  
Zone: R2-MD**

**Proj. Planner: Mel Lee**  
**Environmental**  
**Determination: Exempt**

**Description:**  
**Minor design review to construct an attached, two-story, two-unit, common interest development in conjunction with a vesting parcel map to facilitate the subdivision for condominium purposes.**

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

Kerry Smith, applicant, agreed to all the conditions of approval.

Norm Dias, Susannah Place resident, expressed concern regarding density and the rear and side yard setbacks.

**MOTION: Approve Planning Application PA-10-13 and Vesting Tentative Map VTPM-10-117, by adoption of Planning Commission Resolution PC-10-27, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".**  
**Moved by Commissioner Colin McCarthy, seconded by Vice Chair Sam Clark.**

During discussion on the motion, the Chair noted for the record that the findings show the dogleg is a side yard.

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.

**6. Application No.: ZA-10-39**  
**Site Address: 1870 Harbor Blvd. and**  
**1875 Newport Blvd.**  
**Applicant: Peter Buffa**  
**Zone: PDC**  
**Proj. Planner: Mel Lee**  
**Environmental**  
**Determination: Exempt**

**Description:**

**An amendment to an existing planned signing program for Triangle Square (ZA-00-28) to allow two signs with electronic Light Emitting Diode (LED) screens on the northeast (former Niketown dome) and southwest (Sutra Lounge) sides of the building, approximately 10' high by 96' long, and 20' high by 15' long, respectively.**

Regarding ex parte communications, Commissioner Mensinger said he met with the consultant for the applicant, and the Chair, Commissioner Fitzpatrick, and Commissioner McCarthy said they met with the applicant.

Peter Buffa, authorized agent for Greenlaw Partners, the property owner, gave a detailed presentation on the history of Triangle Square and LED signage.

Jim Camp, Greenlaw Partners, noted that potential tenants want LED signage to help promote their businesses.

In response to Commissioner Fitzpatrick's request of Mr. Buffa to confirm that he would be bringing back the traffic and parking management plan for Triangle Square before the Planning Commission, Senior Planner Mel Lee replied in the affirmative.

Chris McEvoy, Costa Mesa, expressed concern regarding motorists being distracted as they approach the 19th Street/Newport Boulevard intersection from the 55 Freeway.

Jerilynn Martin, Church Street resident, expressed concern regarding illumination and sign content.

Katie Arthur, Costa Mesa, expressed objection to the application due to the appearance and size of the signage.

Howard Denghausen, Costa Mesa, expressed objection to the application due to the offensive glow of the signage and the distraction it will cause.

Jeff McConville, Costa Mesa, noted this was too important of an item and should be addressed at the City Council level.

Steve Klaustermeier, Flower Street resident, expressed objection due to driver distraction and noted the notice sign was not placed correctly.

Beth Refakes, Costa Mesa, expressed objection due to visual blight, sign content, and driver distraction.

Synthia Neyland, Costa Mesa, expressed concern regarding light pollution and opposed the large format of the signage.

Daniel Weelo, Multimedia LED, sign consultant representing applicant, explained light pollution, LED point of light, nits, and LED related information.

**MOTION: Approve Zoning Application ZA-10-39, by adoption of Planning Commission Resolution PC-10-28, 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. 1, 2, 12, 13, 14, and the addition of a new condition No. 15, adopted as follows:**

**CONDITIONS OF APPROVAL**

- 1. The total site signage, including the LED signs, shall not exceed the total sign area allowed under the Planned Sign Program (3,445 sq. ft. for the entire center).**
- 2. Permanent window signs shall not exceed 20% of the contiguous window area per the City's Sign Code.**
- 12. The LED signs shall be located at the northeast (former Niketown dome) and southwest (Sutra Lounge) sides of the building, and shall be no larger than 10 feet high by 96 feet long and 15 feet high by 20 feet long, respectively, and shall also be subject to the following:**
  - a. The LED signs shall not exceed 300 nits in luminance during the evening hours.**
  - b. No flashing or animated displays or images on the LED signs shall be permitted at any time.**
  - c. The operating hours of the LED signs shall be 7:00AM through 11:00PM, Sunday through Wednesday, and 7:00AM through 12:00 midnight, Thursday through Saturday. Beginning one hour prior to the end of the above operating hours, the LED signs shall be gradually dimmed until they are completely turned off. Outside these approved hours, the LED signs shall be turned off.**
- 13. No third-party off-site advertising shall be permitted on the LED signs.**
- 14. Images on the LED signs shall not change at a rate less than once every four seconds.**
- 15. Images on the LED signs shall consist of tenant names, logos, and public service messages only.**  
**Moved by Vice Chair Sam Clark, seconded by Commissioner Stephen Mensinger.**

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.

The Chair explained the appeal process.

**V. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

None.

**VI. REPORT OF THE CITY ATTORNEY'S OFFICE.**

None.

**VII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, SEPTEMBER 13, 2010.**

There being no further business, Chairman Righeimer adjourned the meeting at 12:10 a.m. to the next Planning Commission meeting at 6:00 p.m. on September 13, 2010.

Submitted by: \_\_\_\_\_  
KHANH NGUYEN, SECRETARY  
COSTA MESA PLANNING COMMISSION