

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
September 13, 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 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.

Prior to announcing the Consent Calendar items, Police Sergeant Bakkila came to the podium to address Commission’s questions relating to commercial vehicles, vehicle parking, and the parking hotline.

III. CONSENT CALENDAR:

Commissioner Fitzpatrick pulled Consent Calendar Item No. 1 for discussion. The Chair asked for a motion on the remainder of the Consent Calendar.

2. Code Enforcement Update

MOTION: Receive and file.

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.

1. Minutes for the Meeting of August 9, 2010.

Commissioner Fitzpatrick said he wanted to add for the record to have the minutes reflect his discussion with the applicant, Peter Buffa, for Zoning Application ZA-10-39, requesting confirmation that the parking plan for Triangle Square would be brought back to the Planning Commission for discussion/approval.

MOTION: Approve with the correction to Public Hearing Item VI.6, Application No. ZA-10-39, reflecting Commissioner Fitzpatrick's request of the applicant, Peter Buffa, to confirm that he would bring back the parking plan for Triangle Square to the Planning Commission for discussion/approval.

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

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:

- 1. Application No.: PA-10-08
Site Address: 1785 Monrovia Ave.
Applicant: Charles T. Collett
Zone: MG
Project Planner: Wendy Shih
Environmental
Determination: Exempt**

Description:

From the meeting of August 9, 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: Remove application from the calendar.

Moved by Commissioner Colin McCarthy, 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

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Noes: None.
Absent: None.

2. **Application No.: PA-10-19**
Site Address: 2700 Bristol Street
Applicant: Diane Cuniff
Zone: C1
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Conditional use permit for a dog day care and boarding facility (The Bone Adventure) in the former Flowerdale Nursery.

Regarding ex parte communications, the Chair said he had spoken to the applicant.

Diane Cuniff, applicant; Kristin Cook, general manager; and Barry Walker, architect; came to the podium.

Ms. Cook made a presentation noting this business will service the local area and customers from the Los Angeles area.

Ms. Cuniff said she will keep this new business site clean, safe, and free from barking noise.

Mr. Walker explained in detail concerning the primary, maintenance-free fencing.

There were no public comments.

MOTION: Approve Planning Application PA-10-19, by adoption of Planning Commission Resolution PC-10-29, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with a modification to Condition No. 1, and the addition of a new condition No. 13, adopted as follows:

CONDITIONS OF APPROVAL

- Plng. 1. The use shall be limited to the type of operation described in the staff report and applicant's letters dated June 30 and August 26, 2010, subject to conditions. Any change in the operational characteristics including, but not limited to, the hours of operation or type of services provided, shall be subject to Planning Division review and may require an amendment to the conditional use**

permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

PC 13. No freestanding sign higher than 10 feet shall be permitted. The business shall either use the existing monument sign or install a monument sign that is no higher than 10 feet, should replacement be necessary.

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

During discussion on the motion, Vice Chair Clark asked if additional language could be added to Condition No. 13 stating the height of the monument sign shall be no higher than 10 feet, should replacement be necessary. The maker of the motion and the applicant agreed.

The Chair asked if additional language could be added to Condition No. 1 relating to modification or revocation of the planning application if there is noncompliance. The maker and seconder of the motion agreed, as well as the applicant.

Commissioner Mensinger expressed concern regarding changing the use of the site and said he could not support the motion to approve the application based on the conditions.

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.

**3. Application No.: PA-07-15
Site Address: 2013-2029 Anaheim Ave.
Applicant: Al Mozayeni
Zone: R3
Project Planner: Rebecca Robbins
Environmental
Determination: Exempt**

Description:

Two-year time extension for Planning Application PA-07-15, a master plan for a 26-unit, attached, residential common interest development to coincide with timing of Tentative Tract Map 17198, which is valid until October 8, 2012.

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

The applicant was not in attendance.

There were no public comments.

MOTION: Approve an extension of time for Planning Application PA-07-15 to October 8, 2012, by adoption of Planning Commission Resolution PC-10-30, based on the evidence in the record.

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

During discussion on the motion, Commissioner Fitzpatrick asked staff if Code Enforcement could monitor the property site for the next two years and Commissioner Mensinger echoed those comments. Planning Commission Secretary Nguyen indicated yes.

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: Commissioner Stephen Mensinger

Absent: None.

- 4. Application No.: PA-10-09/ZA-08-15**
Site Address: 942 & 946 Sunset Dr.
Applicant: Alec Osachoff
Zone: MG
Project Planner: Rebecca Robbins
Environmental
Determination: Exempt

Description:

(1) Planning Application PA-10-09 for conditional use permit to amend conditions of approval for the project approved under ZA-08-15 to allow incidental auto repair of personal vehicles within 200 feet of residentially zoned property; and (2) Time Extension for Zoning Application ZA-08-15 for construction of a building to be used for personal vehicle storage.

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

Steve Schmidt, property owner, stated he bought the property for the storage and repair of personal vehicles and the storage of parts.

Dannielle Schmidt provided the name of her marital trust of personal vehicles which is a major client of the consulting business operated by her husband.

There were no public comments.

MOTION: Approve Planning Application PA-10-09, by adoption of Planning Commission Resolution PC-10-31, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with a modification to Condition No. 1, and the addition of a new condition No. 9, adopted as follows:

CONDITIONS OF APPROVAL

Plng. 1. The subject property is limited to warehouse/storage and incidental auto repair on the property owner's personal vehicles and vehicles owned by "The Dorris Non-Exempt Other Q-Tip Trust" with no customer and/or commercial traffic. Any other use on site is prohibited, unless approval is first received from the Development Services Department. Any future change of use may require additional parking.

PC 9. The use shall be limited to the type of operation described in the staff report and applicant's letter dated July 1, 2010, subject to conditions. Any change in the operational characteristics including, but not limited to, expansion of the vehicle repair area, shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to Planning Commission approval, depending on the nature of the proposed change. The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

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

During discussion on the motion, Commissioner McCarthy asked if the maker of the motion was amenable to adding a condition of approval relating to the modification or revocation of the planning application if there is noncompliance. The maker and seconder of the motion agreed, as well as the applicant.

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.

- 5. Application No.: PA-10-16**
Site Address: 2278 Newport Blvd.
Applicant: Corey Donaldson
Zone: R2-MD
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt

Description:

Conditional use permit for conversion of an existing motel into eleven units for Single Room Occupancy (SRO) or Family Room Occupancy (FRO).

The Chair called a recess at 7:58 a.m. and resumed the meeting at 8:07 a.m.

Corey Donaldson, applicant, made a presentation and noted the conversion of the motel to a residential hotel would be in the property's best interest in the long-term. He agreed to the conditions of approval, but asked that the on-site security requirement in Condition No. 5 be removed.

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

Cathy Esfahni with the Costa Mesa Housing Coalition asked the Commission to consider occupancy that includes a single adult with minor children.

Jean Forbath with the Costa Mesa Housing Coalition gave some examples of people in need of housing, especially low income families.

MOTION: Approve Planning Application PA-10-16, by adoption of Planning Commission Resolution PC-10-33, 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. 2 and 5, adopted as follows:

CONDITIONS OF APPROVAL

2. The applicant shall comply with the following annual self-reporting requirements:

- **Applicant shall provide documentation to the City certifying that all units have maximum double occupancy and leased to tenants with one car per household. “Double Occupancy” is referred to two adults (minor not included). This documentation can be in the form of lease agreements which identify the number of individuals living in each unit.**
- **Applicant shall provide documentation of the rental rates of each unit in compliance with the following requirement: a) The majority of the units (a minimum of 7 of the 11 units) shall be offered at affordable rental rates for below moderate income households for 20 years; and, b) These affordable rental rates shall be pursuant to the Housing and Urban Development Department’s Fair Market Rents.**

5. A management plan shall be submitted for operation of the units. The plan should describe provisions for staffing, 24-hour on-call manager, desk clerk, security, and janitorial services. The plan should also address interior and exterior security including controlled entry and exit.

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

The motion carried by the following roll call vote:

Ayes: Chair James Righheimer, 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 pointed out that the second recommendation for Public Hearing No. 4 relating to a time extension for Zoning Application ZA-08-15 was overlooked. The item was partially re-read.

- 4. Application No.: PA-10-09/ZA-08-15**
Site Address: 942 & 946 Sunset Dr.
Applicant: Alec Osachoff
Zone: MG
Project Planner: Rebecca Robbins

**Environmental
Determination: Exempt**

Description:

(1) Planning Application PA-10-09 for conditional use permit to amend conditions of approval for the project approved under ZA-08-15 to allow incidental auto repair of personal vehicles within 200 feet of residentially zoned property; and (2) Time Extension for Zoning Application ZA-08-15 for construction of a building to be used for personal vehicle storage.

No one wished to speak.

MOTION: Approve an extension of time for Zoning Application ZA-08-15, by adoption of Planning Commission Resolution PC-10-32, 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.

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.

- 6. Application No.: PA-10-18 & TT-17380
Site Address: 341 E. 21st Street
Applicant: William D. Jager
Zone: R2-MD
Project Planner: Mel Lee
Environmental
Determination: Exempt**

Description:

Design review and tentative tract map for a detached, two-story, five-unit, common interest development including (1) variance from side setback (5' required; 0' proposed); (2) variance from landscape parkway width (3' required; 0' proposed); (3) variance from minimum open space (40% required; 29% proposed); (4) minor modification for front wall setback (10' required; 8' proposed); (5) administrative adjustment from front building setback (20' required; 14' proposed); (6) administrative adjustment from building separation (10' required, 7' proposed); and (7) deviations from the City's Residential Design Guidelines (2nd floor to 1st floor percentage and average 2nd

story side setback) and Parking Design Standards for vehicle back-out.

Regarding ex parte communications, the Chair, Vice Chair Clark, Commissioner Fitzpatrick, and Commissioner Mensinger said they each met with the applicant.

Bill Jager, authorized agent for the property owner, gave a detailed presentation and expressed his commitment to this project. He noted for the record that Mr. Lee sent him the letter of opposition by e-mail.

Chad Brown, Melia Homes, spoke of the improvements to meet density requirements, soft-scape, and parking.

Alice Ng, adjacent neighbor on Garden Lane, said for the record that she opposes 0' setback and believes she is the most impacted by this project.

Leslie Marler, adjacent neighbor on E. 21st Street, said she was pleasantly surprised with the proposed project.

Rick (last name inaudible), mentioned that he was in support of the proposed project.

MOTION: Approve Planning Application PA-10-18 and Tentative Tract Map TT-17380, by adoption of Planning Commission Resolution PC-10-34, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the addition of a new condition No. 20, adopted as follows:

CONDITIONS OF APPROVAL

PC 20. The applicant shall reverse the site layout for the entire project so that the zero setbacks for the garages abut the 10-foot wide walkway west of the project site.

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.

V. BUSINESS ITEM:

1. NOMINATION OF COSTA MESA POP WARNER FIELD FOR MESA GREEN DESIGN AWARD.

Commissioner Fitzpatrick stated it was his pleasure to nominate Costa Mesa Pop Warner Field for this award.

MOTION: Select Costa Mesa Pop Warner Field to be a recipient of the Mesa Green Design Award.

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

Commissioner Fitzpatrick asked staff to invite the representatives of Costa Mesa Pop Warner to an upcoming Planning Commission meeting to receive this award and Planning Commission Secretary Nguyen responded in the affirmative.

Commissioner Mensinger stated he would recuse himself from voting due to his affiliation with Costa Mesa Pop Warner.

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: None.

Absent: None.

Recuse: Commissioner Stephen Mensinger

VI. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Planning Commission Secretary Nguyen noted that the Green Building Code will come into effect on January 1, 2011. He also stated that Green Building Code training will take place on September 30, 2010 in the Costa Mesa Council Chambers and is free for City officials, in addition to being televised and recorded.

VII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

VIII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON MONDAY, OCTOBER 11, 2010.

There being no further business, Chairman Righeimer adjourned the meeting at 9:44 a.m. to the next Planning Commission meeting at 6:00 p.m. on October 11, 2010.

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