

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
October 11, 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.

III. PUBLIC COMMENTS:

IV. CONSENT CALENDAR:

1. Minutes for the Meeting of September 13, 2010.

MOTION: Approve.

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.

2. Code Enforcement Update

MOTION: Receive and file.

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

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Noes: None.
Absent: None.

V. PUBLIC HEARINGS:

- 1. Application No.: Review of ZA-94-12**
Site Address: 185 E. 17th Street
Applicant: Vons, A Safeway Co.
Zone: C1
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Review of Minor Conditional Use Permit ZA-94-12 for a neighborhood recycling facility in the Costa Mesa (Vons) Center for potential modification or revocation.

Mike Alba with Vons Grocers said he would work with City staff on all concerns noted.

Kevin Tippets, NexCycle, spoke about his proposal for two containers; fines for stores out of compliance; and working with City staff.

Beth Refakes, Costa Mesa, recommended no recycling during the center's construction; setting standards for recycling; and upgrading the center.

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

MOTION: (1) Direct staff to develop standard conditions of approval and Best Management Practices for recycling centers within the City of Costa Mesa.

- (2) Direct staff to recommend modification of this application based on the new standard conditions of approval and Best Management Practices and bring back for Planning Commission consideration.**

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

During discussion on the motion, the Chair contributed to the wording of the motion and Senior Planner Mel Lee suggested adding language that the application be brought back to the Planning Commission for consideration. The maker of the motion and the seconder 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.

The Chair announced that the representatives for the Costa Mesa Pop Warner Field were in attendance and the award presentation could take place at this time.

II. PRESENTATION OF MESA GREEN DESIGN AWARD TO COSTA MESA POP WARNER FIELD

The Chair and Commissioner Jim Fitzpatrick made a Mesa Green Design Award presentation for the Costa Mesa Pop Warner Field. Award certificates were presented to Ed Baume, Yumi Watanabe, Sean Patterson, Robin Mensinger, and Cindy Kerkhoff.

The Chair noted that Public Hearing Item No. 5 (a time extension) would be moved in front of Public Hearing Item No. 2.

- 5. Application No.: PA-07-13 & TT-17180**
Site Address: 1758-1764 Anaheim Ave.
Applicant: Dennis Dalessio
Zone: R2-HD
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

Time Extension for Planning Application PA-07-13 to September 2012; and Amendment to PA-07-13/TT-17180 to allow two-phased construction of a project originally approved for construction in one phase. Project consists of a detached, two-story, five-unit, common interest development that does not meet residential design guidelines for second to first floor ratio for three units and average second floor setback for one unit.

Regarding ex parte communications, the Chair and Commissioner Mensinger both said they had spoken with the applicant's representative.

Steve Sheldon, applicant's representative, agreed to all the conditions of approval and confirmed with Senior Planner Mel Lee that any subsequent modifications would automatically be brought back to the Planning Commission.

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

MOTION: Approve the time extension and amendment to Planning Application PA-07-13 and Tentative Tract Map TT-17180, by adoption of Planning Commission Resolution PC-10-35, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions in Exhibit "B" and the amendment in Exhibit "2".

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.

Commissioner Fitzpatrick made a presentation relating to time extensions and existing conditions of approval. He noted five project locations of concern and asked staff to develop some standards for future projects where there is a request for an extension. Development Services Director Kimberly Brandt responded that a report would be prepared on these project locations and an update would be provided (similar to the Code Enforcement Update memorandum) on a regular basis.

- 2. Application No.: N/A**
Site Address: Citywide
Applicant: City of Costa Mesa
Environmental
Determination: Exempt

Description:
Urgency Ordinance to amend CMMC Title 13, Section 13-6 (Definitions) and Section 13-16 (Enforcement) regarding medical marijuana dispensaries.

Deputy City Attorney Christian Bettenhausen reviewed the information in the staff reports for the urgency ordinance and the ordinance/Zoning Code amendment and responded to questions from the Commission.

Sue Lester, Costa Mesa, asked the Planning Commission to consider a study session on this matter and noted the legitimate medical need for medical marijuana.

Jeff Burn, Costa Mesa, commented on working together, best practices, and that further study is needed.

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

MOTION: Recommend that City Council adopt the proposed urgency ordinance as shown in Exhibit "A", by adoption of Planning Commission Resolution PC-10-36, based on the evidence in the record.

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

The motion carried by the following roll call vote:

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

Noes: Commissioner Colin McCarthy

Absent: None.

- 3. Application No.: CO-10-07**
Site Address: Citywide
Applicant: City of Costa Mesa
Environmental
Determination: Exempt

Description:

Ordinance to amend CMMC Title 13, Section 13-6 (Definitions) and Section 13-16 (Enforcement) regarding medical marijuana dispensaries.

MOTION: Recommend that City Council adopt the proposed ordinance, Zoning Code Amendment CO-10-07, as shown in Exhibit "A", by adoption of Planning Commission Resolution PC-10-37, based on the evidence in the record.

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

The motion carried by the following roll call vote:

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

Noes: Commissioner Colin McCarthy

Absent: None.

Ms. Brandt announced that both ordinances would go for City Council consideration on October 19, 2010.

- 4. Application No.: CO-10-03**
Site Address: Citywide
Applicant: City of Costa Mesa
Project Planner: Minoo Ashabi
Environmental

Determination: Exempt

Description:

Title 20 Amendment (Citywide) - Inoperative vehicles to be parked in garage or rear yard.

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

MOTION: Recommend that City Council introduce and give first reading to Zoning Code Amendment CO-10-03, amending Title 20 of the Costa Mesa Municipal Code regarding the parking and storage of inoperable vehicles on residential properties.

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.

Ms. Brandt announced that this ordinance would go for City Council consideration on November 2, 2010.

6. Application No.: PA-10-20
Site Address: 1765 Newport Bl., Ste. A
Applicant: Kareem Masarani
Zone: C2
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Conditional use permit for a tattoo shop.

Kareem Masarani, applicant, explained that he wants to expand his business and has owned his own tattoo shop in Newport Beach for 21 years.

Commissioner Mensinger noted his concerns regarding tattoo parlors in the City.

Sue Lester, Costa Mesa, supported the project and commented on previous remarks made by the Commission.

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

The Chair suggested that staff prepare a report for City Council's consideration relating to the concentration of tattoo and pawn shops in the City.

MOTION: Approve Planning Application PA-10-20, by adoption of Planning Commission Resolution PC-10-38, 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. 9, adopted as follows:

CONDITION OF APPROVAL

9. The applicant shall require the employees of the tattoo shop to park in the rear parking lot.

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

During discussion on the motion, Vice Chair Clark asked for an additional condition requiring employees to park in the rear parking lot. The maker of the motion and Mr. Masarani agreed.

The motion carried by the following roll call vote:

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

Noes: Commissioner Stephen Mensinger

Absent: None.

The Chair explained the appeal process. He also asked staff to look into the medical parking standard and including tattoo shops in that standard.

- 7. Application No.: PM-10-134**
Site Address: 171-187 E. 17th Street
Applicant: C & S Engineers, Inc.
Zone: C1
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Parcel map to reconfigure and consolidate nine parcels into four parcels for the Costa Mesa (Vons) Center.

Eric Saenz, applicant's representative, agreed to all the conditions of approval. He gave no presentation.

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

MOTION: Approve Parcel Map PM-10-134, by adoption of Planning Commission Resolution PC-10-39, 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 Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VI. BUSINESS ITEMS:

1. Planning Commission review of a pilot Residential Neighborhood Enhancement Program to be applied to specific neighborhoods, as determined by Planning Commission, throughout the City.

Beth Refakes, Costa Mesa, stated the Program's focus should be on one area at a time and the residents should be given adequate notice prior to the City applying this program, including defining violations.

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

MOTION: Support the pilot Residential Neighborhood Enhancement Program and direct staff to prepare and send out a brochure explaining Title 20 to the public after the inoperable vehicles ordinance has been passed by the City Council; prepare a metric to track the program; and allow the public 60-90 days notice prior to enforcement.

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

During discussion on the motion, the Chair contributed to the wording of the motion. The maker of the motion and the seconder 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.

3. Nomination of the District Yard of the Costa Mesa Sanitary District for a Mesa Green Design Award.

Commissioner Fitzpatrick recognized and called Scott Carroll up to the podium.

Scott Carroll, General Manager of the Costa Mesa Sanitary District, thanked Commissioner Fitzpatrick and the Commission for the nomination of their District Yard for a Mesa Green Design Award. Mr. Carroll explained about their new platinum-pending Green Building and invited the Commission and the public to attend their Grand Opening event on Saturday, October 30, 2010, from 11:00 a.m. to 1:00 p.m.

MOTION: Select Costa Mesa Sanitary District's District Yard to be a recipient of the Mesa Green Design Award and for presentation of the award to take place at their Grand Opening event on October 30, 2010, followed by a formal presentation at the Planning Commission meeting on November 8, 2010. Moved by Commissioner Jim Fitzpatrick, 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.

4. Announcement of Planning Commission and Parks and Recreation Commission Joint Meeting for November 8, 2010.

The Chair announced the upcoming joint study session on November 8, 2010 at 5:00 p.m.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Ms. Brandt reviewed the adjournment to various meetings.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT:

- **JOINT PLANNING COMMISSION/CITY COUNCIL MEETING ON OCTOBER 12, 2010 AT 4:30 P.M.**
- **JOINT PLANNING COMMISSION/PARKS AND RECREATION COMMISSION MEETING ON NOVEMBER 8, 2010 AT 5:00 P.M.**
- **NEXT PLANNING COMMISSION MEETING ON NOVEMBER 8, 2010 AT 6:00 P.M.**

There being no further business, Chairman Righeimer adjourned the meeting at 8:59 p.m. to the Joint Planning Commission/City Council meeting on October 12, 2010 at 4:30 p.m., the Joint Planning Commission/Parks and Recreation Commission meeting on November 8, 2010 at 5:00 p.m., and followed by the next Planning Commission meeting on November 8, 2010 at 6:00 p.m.

Submitted by: _____
KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION