

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
November 8, 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:**

Steve Deck, Costa Mesa, expressed concern regarding employee parking at the W. 19<sup>th</sup> Street’s In-N-Out Burger, related traffic control, and speed bumps on Anaheim Avenue.

Martin Millard, Costa Mesa, commented on the Westside and the number of bicycle riders in the City.

Commissioner Mensinger asked staff to look into the concerns noted by Mr. Deck and Development Services Director Kimberly Brandt responded yes.

**III. CONSENT CALENDAR:**

**1. Minutes for the Meeting of October 11, 2010.**

**MOTION: Approve.**

**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.

## 2. Code Enforcement Update

**MOTION: Receive and file.**

**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.

## IV. PUBLIC HEARINGS:

1. **Application No.: CO-10-02**  
**Site Address: Citywide**  
**Applicant: City of Costa Mesa**  
**Environmental**  
**Determination: Exempt**

**Description:**

**Ordinance to amend Chapter VII, Signs, of Title 13 of the Costa Mesa Municipal Code regarding Banners on Private Property. The amendment proposes new sign regulations and permit requirements for banners in commercial, industrial, and institutional zones.**

Ms. Brandt responded in agreement to Commissioner Fitzpatrick's request for staff to facilitate the banner process.

Beth Refakes, Costa Mesa, supported the streamlined process for banners and the decals. She commented on the fee structure for permits and fines for noncompliance.

Commissioner Fitzpatrick expressed concern relating to banner permit enforceability.

**MOTION: Recommend that City Council give first reading to ordinance with the following modifications to the time limits of Table 13-115, adopted as follows:**

**A maximum display time of 42 days per calendar year.**

**Exception: For multi-family residential complexes containing 100 units or more, a maximum display time of 120 days per calendar year.**

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

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.

Ms. Brandt announced that the ordinance would go for City Council's first reading at their meeting of December 7, 2010.

- 2. Application No.: CO-10-05**  
**Site Address: Citywide**  
**Applicant: City of Costa Mesa**  
**Environmental**  
**Determination: Exempt**

**Description:**

**Ordinance to amend Section 13-75, Fences and Walls, of Title 13 of the Costa Mesa Municipal Code related to new development standards for fences and walls in residential zones. Additionally, the exhibit for "Walls, Fences, and Landscaping Standards" shall also be amended as applicable.**

Beth Refakes, Costa Mesa, noted concerns relating to residential houses, not on arterials, and noticing residents in the R1 area.

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

**MOTION: Recommend that City Council give first reading to ordinance with a modification to Section 13.75(a)(2)iii, adopted as follows:**

**Exceptions to the requirements stated in (2)(i) through (2)(ii) may be approved by the final review authority. These exceptions may include, but are not limited to combination masonry walls with vinyl fencing, stained/treated wood, wrought iron fencing, and green sustainable composite materials.**

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

During discussion on the motion, Commissioner Fitzpatrick asked if wording could be added relating to green sustainable composite materials and 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.

Planning Administrator Claire Flynn announced that the ordinance would go for City Council's first reading at their meeting of December 7, 2010.

- 3. Application No.: PA-10-07**  
**Site Address: 449 Hamilton Street**  
**Applicant: Kim-Leiloni Nguyen**  
**Zone: R2-MD**  
**Project Planner: Mel Lee/Wendy Shih**  
**Environmental**  
**Determination: Exempt**

**Description:**

**Design review for a five-unit, two-story detached common interest development (condominiums) with a variance from the 10 ft. total width of driveway parkway landscape requirement (8 ft. proposed); a minor modification for the second floor rear setback (20 ft. required; 16 ft. proposed); and a deviation from the design guideline for the 2nd story side setback (10 ft. average recommended; 9 ft. average proposed).**

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

Kim-Leiloni Nguyen, applicant, agreed to all the conditions of approval, including the modification to Condition No. 4 (8' block wall).

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

Ms. Brandt responded in agreement to Commissioner Fitzpatrick and Commissioner Mensinger's request for staff's guidance in design relating to applicants' projects brought before the Commission.

**MOTION: Approve Planning Application PA-10-07, by adoption of Planning Commission Resolution PC-10-40, 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. 4, adopted as follows:**

**CONDITION OF APPROVAL**

4. **Permanent masonry wall(s) shall be maintained or constructed along the side and rear property lines of the development lot. The height of the walls abutting the commercial properties to the south and west shall be 8 feet. The walls shall have a finished quality on both sides. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them.**

**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.

The Chair explained the appeal process.

4. **Application No.: PA-10-25  
Site Address: 135 Commercial Way  
Applicant: Catherine Lamanski  
Zone: C2  
Project Planner: Mel Lee/Rebecca Robbins  
Environmental  
Determination: Exempt**

**Description:**

**Conditional use permit for an outdoor storage yard for motor and recreational vehicles, including private boats, motor homes, construction equipment and supplies.**

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

Ron Shaw, applicant, made a presentation and agreed to all the conditions of approval.

**MOTION: Approve Planning Application PA-10-25, by adoption of Planning Commission Resolution PC-10-41, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the following adopted change to the second paragraph of Condition No. 1:**

**CONDITION OF APPROVAL**

1. The use shall be limited to the type of operation described in the staff report and applicant's letter dated September 15, 2010, subject to conditions. Any change in the operational characteristics 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.

No approval is given for storage, sale or dumping of dismantled, obsolete or wrecked motor vehicles, recreational vehicles, trailers, or vehicle parts in the outdoor storage yard.

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 Stephen Mensinger.**

During discussion on the motion, Commissioner McCarthy asked if additional language could be added to Condition No. 1 and 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 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.

5. **Application No.: PA-10-27**  
**Site Address: 2930 Bristol St., Unit B102**  
**Applicant: Emily Meyer**  
**Zone: C2**  
**Project Planner: Mel Lee**  
**Environmental**  
**Determination: Exempt**

**Description:**

**Conditional use permit to allow an existing restaurant (Gypsy Den Café) (1) extended hours of operation for customer service to 2:00 AM closing time within 200 feet of a residential zone (currently, the restaurant closes at 11:00 PM); (2) sale of alcoholic beverages for on-**

**site consumption after 11:00 PM within 200 feet of a residential zone;  
(3) a finding of Public Convenience or Necessity (PC or N) for a State  
Department of Alcoholic Beverage Control (ABC) Type 41 License, On  
Sale Beer and Wine, Eating Place (Restaurant).**

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

Emily Meyer, applicant, made a presentation.

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

**MOTION: Approve Planning Application PA-10-27 and made a finding of Public Convenience and Necessity, by adoption of Planning Commission Resolution PC-10-42, 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 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.

**6. Application No.: PA-04-26  
Site Address: 2880 Mesa Verde Dr. E. &  
1534 Adams Avenue  
Applicant: City of Costa Mesa  
Zone: C1  
Project Planner: Mel Lee  
Environmental  
Determination: Exempt**

**Description:**

**Revocation of conditional use permit which allowed up to 90 off-site parking spaces on the parking lot of the Church of Christ Scientist at 2880 Mesa Verde Drive East. The CUP for off-site parking served students of Paul Mitchell School formerly located at 1534 Adams Avenue. Proposed revocation is due to relocation of the school.**

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

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

**MOTION: Revoke Planning Application PA-04-26, by adoption of Planning Commission Resolution PC-10-43, based on the evidence in the record and the findings contained in Exhibit "A".**

**Moved by Commissioner Stephen Mensinger, 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.

## **V. BUSINESS ITEMS:**

### **1. Bicycle Connection between Santa Ana River and Upper Newport Bay Trail Systems.**

Transportation Services Manager Raja Sethuraman reviewed the report and responded to questions from the Commission.

Derek Fretheim with Acire, Inc. explained his involvement working on right-of-way projects.

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

**MOTION: Direct staff to propose to Council a feasibility study including documenting the existing quality of life issues and seeking alternative paths around some of the known problem areas of residents' concerns.**

**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.

### **2. Standard Conditions for Recycling and Collection Facilities for Beverage Containers.**



Bill Wall, Stater Brothers, stated the standard conditions could have a profound effect on business.

Associate Engineer Patrick Bauer updated the Commission on the incident at the recycling facility at Stater Brothers on Newport Boulevard.

Don Opperman with Earthwise explained the actions taken to control the spillage at the Stater Brothers site, and said limiting liquids to the site is the best control method. He asked for a continuance to review the standard conditions.

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

**MOTION: Adopt the standard conditions of approval for recycling and collection facilities for beverage containers with an additional condition for landscape screening and wall screening from offsite views for bulk facilities only.**

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

During discussion on the motion, Commissioner Fitzpatrick asked if an additional condition could be added for landscape screening and wall screening from offsite views for bulk facilities only and the maker of the motion and the seconder agreed.

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.

**3. Request for Council Authorization of a Zoning Code Amendment regarding "Recycling and Collection Facilities for Non-Hazardous Materials."**

There were no public comments and the Chair closed the public hearing.

**MOTION: Request Council's authorization to prepare a Zoning Code Amendment that further defines the "Recycling and Collection Facilities for Non-Hazardous Materials" and associated review permitting requirements and promotes reverse vending collection and other types of best available technologies.**

**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.

**4. Call for a Special Meeting of the Planning Commission on November 15, 2010.**

The Chair called for a Special Meeting on November 15, 2010.

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

None.

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

None.

**VIII. ADJOURNMENT:**

- \* **Joint Planning Commission/City Council Study Session on November 9, 2010 at 4:30 p.m.**
- \* **Special Planning Commission Meeting on November 15, 2010 at 6:00 p.m.**
- \* **Next Planning Commission Meeting on December 13, 2010 at 6:00 p.m.**

There being no further business, Chairman Righeimer adjourned the meeting at 9:30 p.m. to the Joint Planning Commission/City Council meeting on November 9, 2010 at 4:30 p.m., the Special Planning Commission meeting on November 15, 2010 at 6:00 p.m., and followed by the next Planning Commission meeting on December 13, 2010 at 6:00 p.m.

Submitted by: \_\_\_\_\_  
KIMBERLY BRANDT, SECRETARY  
COSTA MESA PLANNING COMMISSION