

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
May 26, 2009**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., May 26, 2009, 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 Clark led the Pledge of Allegiance.

**II. ROLL CALL:** Chair: James Righeimer  
Vice Chair: James Fisler  
Commissioners: Sam Clark, Colin McCarthy, and Stephen Mensinger

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

Absent: None.

Also present: Acting Planning Commission Secy. Khanh Nguyen  
Deputy City Attorney Tom Duarte  
Public Services Director Peter Naghavi  
Associate Planner Wendy Shih

**III. MINUTES: Minutes for the meeting of May 11, 2009**

The Chair approved the minutes as distributed.

**IV. PUBLIC COMMENTS:**

Chris McEvoy, Costa Mesa, commented on the proposed definitions of the overlay zone and expressed his concern relating to promoting development, including allowing four-story buildings and 90% block coverage. He stated this does not benefit the City, but benefits the developers and results in more traffic and congestion.

## **V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Mensinger asked Mr. McEvoy to provide him with the source of his information and Mr. McEvoy agreed to do so. Commissioner Mensinger also spoke about yesterday's Memorial Day service at the Harbor Lawn-Mount Olive Memorial Cemetery commemorating those who served their country and sacrificed their lives for our freedom. He said it was a great event for the community but wished the event would have been better advertised. In addition, he stated that while attending the event he was reminded by looking towards the I-405 freeway and Harbor Boulevard of signage and IN-N-OUT Burger's proposed 65'-high freeway sign which would be clearly visible from the cemetery. He said the sign would not be appropriate and noted the Commission made the right decision in denying the sign.

Vice Chair Fisler referenced Mr. McEvoy's comments and said there has been a lot of work on the overlay zone to bring the General Plan together and he is now concerned about increased traffic, live/work, and floor area ratios. He said he needs to do more in-depth research on the General Plan and would be happy to discuss this with Mr. McEvoy.

Commissioner Clark said he appreciates public comments and the public's input is needed. He encouraged the public to speak at the Planning Commission meetings and to send in their comments. He also said comments may be sent by e-mail.

Commissioner McCarthy said he was touched by yesterday's Memorial Day service and by the number of people who attended. He noted, however, that he was disappointed by the lack of news coverage of the event. In addition, he announced this weekend is the 62nd Annual Lions Fish Fry at Lions Park and this event raises a lot of money for charities.

The Chair said he would be at the Fish Fry and encouraged the public to attend. He noted the Memorial Day service was really touching and impressive, and included a fly-over. He congratulated former Mayor Jack Hammett for his part in organizing this event, and pointed out that everyone, especially our children, should know the meaning of Memorial Day.

**VI. CONSENT CALENDAR:**

- 1. Modify Planning Commission Bylaws, Article III Meetings and Procedures, Section 1. Meetings, regarding the time regular meetings are held.**

**MOTION: Approve by adoption of Planning Commission Resolution PC-09-23.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Chair said this consent calendar item will change the starting time of the Planning Commission meetings to 6:00 p.m., instead of 6:30 p.m. He noted this will save staff time for budget purposes, and July 13, 2009 will be the first meeting to start at the new time of 6:00 p.m.

**VII. PUBLIC HEARINGS:**

- 1. Extension of time for Planning Application PA-07-42, for Cabanillas Threlkeld & Associates/Naldo Cabanillas, authorized agent for Jennifer Bigger, for a design review for a two-unit, two-story residential common interest development that does not meet residential design guidelines (80% second-to-first floor ratio recommended; 86% and 88% proposed and 10 ft. average second story setback recommended; 8 ft. proposed), with a minor modification for a 9 ft. 6-in. street side setback for both units (10 ft. required), located at 151 E. 19th Street, in an R2-HD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Naldo Cabanillas, applicant and project architect, asked for an extension and gave no presentation.

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

**MOTION: Approve a time extension to December 10, 2009 for Planning Application PA-07-42, by adoption of Planning Commission Resolution PC-09-24, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.**

The motion carried by the following roll call vote:

Ayes: Chair James Righimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

The Chair explained the appeal process.

2. **Planning Application PA-09-10, for Tina La Monica/Arden Realty, Inc., for a conditional use permit to allow a portion of the building to be used for overnight stays by subjects participating in medical research, located at 1675 Scenic Avenue, in an MP zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and pointed out that the applicant's existing facility on the adjacent property has been operating in compliance with the Code, and no Police Department, Code Enforcement, or noise complaints have been received. She responded to questions from the Commission regarding the applicant's medical research facility's relocation and the size of Technovare Systems, the tenant occupying the second floor at 1675 Scenic Avenue.

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

The broker (no name given) for Technovare Systems said the engineering firm employs 15 people and occupies 7,000 square feet on the second floor.

David Poling of Clinical Innovations, applicant, was present and gave no presentation.

Mr. Poling explained that research studies on asthma, depression, anxiety, etc. are conducted, and mostly they are comparative studies, comparing a new treatment to an existing treatment. He also said these studies are FDA-approved trials, and blood and urine samples are taken, packaged, and shipped.

Mr. Poling agreed to all the conditions of approval.

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

**MOTION: Approve Planning Application PA-09-10, by adoption of Planning Commission Resolution PC-09-25, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".**

**Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Chair explained the appeal process.

#### **VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

None.

#### **IX. REPORT OF THE CITY ATTORNEY'S OFFICE.**

None.

**X. ADJOURNMENT TO THE MEETING OF MONDAY, JUNE 8, 2009.**

There being no further business, Chairman Righeimer adjourned the meeting at 6:55 p.m. to the Planning Commission meeting of Monday, June 8, 2009, at 6:30 p.m., and the following month's meeting on July 13, at 6:00 p.m.

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