

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
June 8, 2009**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., June 8, 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 Mensinger 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 Plng. Commission Secy. Khanh Nguyen  
Deputy City Attorney Tom Duarte  
Acting City Engineer Fariba Fazeli  
Planning Administrator Claire Flynn  
Associate Planner Wendy Shih  
Assistant Planner Rebecca Robbins

**III. MINUTES: Minutes for the meeting of May 26, 2009**

The Chair approved the minutes as distributed.

**IV. PUBLIC COMMENTS:**

Chris McEvoy, Costa Mesa, expressed concern that no one from the public shows up for the Planning Commission agenda items. He asked the Commissioners to make their decisions in the best interest

of the residents of this City.

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

Commissioner Mensinger complimented the Chair on supporting the community by helping cook at last weekend's Fish Fry.

The Chair responded stating the Fish Fry is what community is all about. He thanked Mike Scheafer and the Lions Club for this great event.

The Chair explained that the Building Permit activity for the first quarter of 2006, 2007, and 2008 was approximately \$25 million for each quarter, and for the first quarter of 2009 it was approximately \$8.7 million. He said this figure is about 30% of what it normally is.

The Chair pointed out that on July 14, 2009, the City Council and the Planning Commission will have a joint Study Session to discuss budget issues, including the possibility of having just one Planning Commission meeting a month. He noted the City Council makes that determination.

The Chair said that Public Hearing Item No. 3 would be moved in front of the first item.

**VI. PUBLIC HEARINGS:**

- 3. Appeal of Zoning Administrator's denial of Zoning Application ZA-09-16, for David Cabrinah, authorized agent for Shahram Rahimian, for a minor conditional use permit to legalize four beverage dispensers and other miscellaneous items outside the cashier booth at the Costa Mesa Oil Company Gas Station, located at 2281 Newport Boulevard, in a C2 zone. Environmental determination: exempt.**

The Chair noted the applicant requested a continuance on this item. He asked if anyone wished to speak on this item that would not be able to attend the meeting of July 13, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting**

**of July 13, 2009.**

**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.

- 1. Extension of time for Planning Application PA-06-60, for Keith and Donna Ray, for a design review to construct a two-unit, two-story detached residential condominium development, located at 224 Knox Street, in an R2-MD zone. Environmental determination: exempt.**

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

Keith Ray, property owner and applicant, said that due to financial difficulties he would appreciate an extension.

The Chair advised Mr. Ray to complete this project by December 2011, and he agreed.

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

**MOTION: Approve a time extension to March 10, 2011 for Planning Application PA-06-60, by adoption of Planning Commission Resolution PC-09-26, based on the evidence in the record.**

**Moved by Commissioner Sam Clark, seconded by  
Commissioner Stephen Mensinger.**

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.

2. **From the meeting of May 11, 2009, Amendment No. 1 to the Mesa West Bluffs Urban Plan SP-05-08 related to mixed-use, live/work, and residential loft development standards, in the Mixed-use Overlay zone. Environmental determination: exempt.**

Planning Administrator Claire Flynn reviewed the information in the staff report and noted the standards for minimum work space size in the development standards table have been removed from this report at the request of the Planning Commission. She responded to questions from the Commission regarding the City's vision to create a new type of urban housing in the Mixed-use Overlay zone area, the added language, land use, traffic, the length of time worked on the amendment, the number of people who participated in the Urban Plan process, and development incentives.

Mr. McEvoy expressed his concerns that the recent modifications to the proposed amendment continue to allow a loophole to exist in the Urban Plan for high-density apartments labeled as live/work units. He gave estimates of the number of residential units that could be built. He also made a comment about developers making campaign contributions to a member of the Commission and asked if it was a conflict of interest for that member to vote on this item.

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

Deputy City Attorney Tom Duarte pointed out there is no conflict of interest because the proposal does not involve a specific applicant or development project.

Vice Chair Fidler noted that this amendment might be high density residential in disguise and suggested looking at the table on Page 3. He commented on the importance of establishing a minimum work space and stressed the need for more standards for live/work units to make the units more attractive to business versus residents. He also commented on maximum living area allowed, minimum lot size, and separate entrances to the living areas and the work areas or

separate buildings for the living area and work area. He said a minimum work area is needed or a maximum living area.

MOTION: Receive and file report.

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

During discussion on the motion, Commissioner Clark thanked staff for the number of hours they worked on this amendment, but agreed with Vice Chair Fisler that there is a potential for high density residential with virtually no constraints. He also said the modifications to the proposed amendment left no specific standards for the developers.

Commissioner McCarthy discussed flexibility and minimum work space and asked what is needed to move forward with this amendment.

Vice Chair Fisler said he has thought about receiving and filing this report and supports the motion. He also discussed guidance for the developers. He thanked staff for the many hours they spent on this amendment and said the table on Page 3 is a great idea.

Commissioner Mensinger noted the Vice Chair's involvement in this amendment process and said it appears we cannot leave this issue without comment. He believed that minimum work space standards should not be included in the Urban Plan.

The Chair spoke against the motion and agreed with Commissioner Mensinger. He said he was speaking against tabling it. He did agree with Vice Chair Fisler and Commissioner Clark concerning traffic, but said projects need to have development flexibility. He commented that the Commission is here to clarify matters for the property owners.

Vice Chair Fisler, Commissioner McCarthy, and Ms. Flynn discussed roof gardens, deviations, Page 2 of the Summary of Motions, and the table on Page 3.

Commissioner Clark reiterated that important language has

been removed from the amendment without reference to any kind of work space. He believed that there should be a work space standard of some kind and therefore the Urban Plan would be deficient without it. He said that is why he made the motion to receive and file.

The Chair called the motion which failed to carry, 2-3 (Righeimer, McCarthy, and Mensinger voted no).

The Chair asked for another motion.

**MOTION: Recommend City Council approval of Amendment No. 1 to the Mesa West Bluffs Urban Plan, by adoption of Planning Commission Resolution PC-09-27. Moved by Chair James Righeimer, seconded by Commissioner Colin McCarthy.**

During discussion on the motion, Commissioner McCarthy expressed his concern regarding the amount of staff time spent and asked for a clarification of the questions received from the development community.

The Chair stated that we should not be backtracking, but looking for development and noted that deviations and excessive uses can be reviewed by the Planning Commission. He gave his support for the motion.

Vice Chair Fisler said the questions from the developers are answered in this document and they can also be answered over the phone. His major concern was the amount of work space and said if the minimum work space is defined, then that question is answered. Vice Chair Fisler proceeded to make a substitute motion.

**MOTION: Recommend City Council approval of Amendment No. 1 to the Mesa West Bluffs Urban Plan with the addition of the minimum size of work space chart on Page 3. Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

Commissioner McCarthy questioned how requiring minimum work space would succeed.

Commissioner Clark mentioned that he understood Commissioner McCarthy's concerns, but said minimum work space is needed.

Vice Chair Fisler reiterated that some reference point is needed.

The Chair called the substitute motion which failed to carry, 2-3 (Righeimer, McCarthy, and Mensinger voted no).

The Chair then called the main motion, to recommend City Council adoption of Amendment No. 1.

Vice Chair Fisler asked staff to forward the comments he made on this item to the City Council.

The motion carried by the following roll call vote:

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

Noes: Vice Chair James Fisler, and Commissioner Sam Clark

Absent: None.

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

None.

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

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, JUNE 22, 2009.**

There being no further business and no items for the meeting of June 22, Chairman Righeimer adjourned the meeting at 7:26 p.m. to the Planning Commission meeting of Monday, July 13, 2009, at 6:00 p.m.

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