

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
January 9, 2012**

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.costamesaca.gov](http://www.costamesaca.gov) or purchased on DVD upon request.

**I. ROLL CALL:**

Present: Chair McCarthy  
Vice Chair Sam Clark  
Commissioner Robert Dickson  
Commissioner Jim Fitzpatrick  
Commissioner Edward Salcedo

Absent: None

**II. PUBLIC COMMENTS:**

There were no public comments.

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

Vice Chair Clark met with Chief of Code Enforcement Willa Bouwens-Killeen to work on definitions for lawn maintenance not clearly defined in the Title 20 code. Additionally, he met with Acting Assistant Development Services Director Claire Flynn to discuss solar programs. He anticipates both items to be ready for presentation at the next Planning Commission meeting.

Commissioner Fitzpatrick congratulated everyone involved on the success of the Snoopy project and hopes that it will become a tradition. He discussed that he and Commissioner Dickson were working together on Title 20 Code Enforcement. He anticipates the first two pilot programs to be ready for review at the next Planning Commission meeting with recommendations to present to City Council. They are also working on a third pilot program covering multi-family units.

Commissioners Fitzpatrick and Dickson congratulated Peter Naghavi on his new appointment as Director of Economic Development.

Commissioner Dickson discussed that he and Commissioner Fitzpatrick were also working on coordinating efforts between Code Enforcement and the

Costa Mesa Police Department concerning technology issues and graffiti issues in alleys and other areas not already addressed. Their goal is to help bridge the gap in staffing between the two departments and to determine Cope Enforcement's needs.

Chair McCarthy congratulated the Commissioners and staff on a good year of approving what he considers excellent diverse projects in 2011.

He reminded everyone that the Mesa Verde Classic was being held on Monday, January 16<sup>th</sup> and recommended that people attend. He said that it will be a fun evening and the proceeds will help Costa Mesa United.

Chair McCarthy attended the 19<sup>th</sup> Street Bridge meeting. He stated that there was strong opposition to the project by the residents that attended the meeting.

**IV. CONSENT CALENDAR:**

1. Minutes for the meeting of December 12, 2011.
2. Code Enforcement Update

The motion to approve the consent calendar carried by the following roll call vote:

Moved by Vice Chair Clark and seconded by Chair McCarthy.

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo  
Noes: None  
Absent: None

**V. PUBLIC HEARINGS:**

Chair McCarthy motioned that the order of the items be switched and the Wireless Communications facility be moved to the front of the agenda.

Moved by Chair McCarthy and seconded by Commissioner Salcedo.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo  
Noes: None  
Absent: None

- 1. Application No.:** CO-12-01  
**Site Address:** Citywide  
**Applicant:** City of Costa Mesa  
**Zone:**  
**Project Planner:**  
**Environmental Determination:** Exempt

**Description:**

Code Amendment CO-12-01 is an amendment to Title 19 of the Costa Mesa Municipal Code to establish processing procedures and regulations for wireless telecommunications facilities in the public right-of-way. Staff recommended temporary removal of this item from the calendar.

Commissioner Fitzpatrick questioned the pending State legal issues. Deputy Attorney Bettenhausen explained that the Public Utilities Commission had a recent ruling that could have implications on this item. Council suggested a continuance to see if the ordinance will need to be revised.

Commissioner Fitzpatrick recommended that action be taken with a state of urgency. He is concerned with new public right-of-way requests that may be submitted to the City while the item is still being discussed. City Engineer Fariba Fazeli responded that with an application to install a facility on an existing pole, staff has 90 days to respond; should they want to install it on a new pole, then staff has 120 days to respond. Commissioner Fitzpatrick mentioned that he is on the board of the Association of California Cities of Orange County which has a wireless committee focusing on the positive contributions of wireless telecommunications and working with the industry to assure that best practices are in place. He also suggested that staff consider a term limit on these items as well as to look at possible height regulations (not to exceed a certain height).

**PUBLIC COMMENTS:**

Leslie Daigle, Verizon Wireless, spoke of their concerns about the right-of-way recent law, as well as more settled law, having to do with being charged a lease. She stated that they do not enter into leases if they are mounting their equipment on the ground. She looks forward to working with the Planning Commission to come up with something that will meet everyone's needs.

No one else wished to speak so the Chair closed the Public Comments.

**MOTION:**

Continue item number CO-12-01 to Planning Commission meeting of March 12, 2012.

Moved by Chair McCarthy, seconded by Commissioner Dickson.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo  
Noes: None  
Absent: None

- |                                     |                              |
|-------------------------------------|------------------------------|
| <b>2. Application No.:</b>          | <b>PA-11-26</b>              |
| <b>Site Address:</b>                | <b>3370 Harbor Boulevard</b> |
| <b>Applicant:</b>                   | <b>Bill Cope</b>             |
| <b>Zone:</b>                        | <b>MP</b>                    |
| <b>Project Planner:</b>             | <b>Mel Lee</b>               |
| <b>Environmental Determination:</b> | <b>Exempt</b>                |

**Description:**

Conditional Use Permit to allow for the following: (1) Youth baseball field as an interim use for a consecutive seven-year period\*\* and for private use only (not public); (2) Variance for related accessory structures, including 8-to-10 foot high perimeter security fencing and 60-foot high ball catcher safety netting/posts (6-foot maximum height allowed, 8-to-60 foot heights proposed); and (3) Other proposed structures include a batting cage and restrooms. Minimal street landscaping is proposed due to the interim nature. Environmental Determination: Exempt.

*[\*\*revised to consecutive eight- year period (see motions)]*

Vice Chair Clark questioned staff about lights on the ball field and what the monument sign would look like. Staff assured Vice Chair Clark that the sign will comply with the newly adopted sign ordinance. Vice Chair Clark asked staff to clarify how the facility would be secured. Staff responded that in addition to the existing chain link fence, applicant will be required to add a new 8-foot high security fence along the sides and frontage behind the 20-foot set back and secured vehicle gates along the driveway entry.

Chair McCarthy inquired as to what will happen to the structures at the end of the 7-year period. Staff replied that all structures will be removed.

Bob Klein, applicant, explained their use plan for the project. He explained the hours, days, and times that they would be using the ball field. He mentioned that they will be developing and beautifying the area. They will be replacing all fencing with new fencing. There will be open tryouts for Costa Mesa youth to try out.

Vice Chair Clark asked the applicant if they had any plans to provide a security guard on the property during the games. Mr. Klein responded that they had not made a decision about that as they were hoping that the fencing would be enough of a deterrent. He requested that the Commissioners allow them to add an additional 2-foot (total of 10-foot) to the fencing. Vice Chair Clark also asked the applicant the reasoning behind the 7-year permit with a 1-year extension rather than a total of 8-years. His concern was the time and effort it takes every time an applicant returns for an extension. Mr. Klein stated that they would actually prefer an 8-year time limit. Vice Chair Clark also stated concerns over the safety of taking the right turn into the ball park off of Harbor Boulevard.

Commissioner Fitzpatrick asked the applicant to address their meetings with the neighboring businesses in the area. Peter Hersh, Consultant, stated that he had meetings with both the Auto Club and National University.

Commissioner Salcedo asked whether they presently have a home field, where their players reside and the number of players on the team. He stated concern that as the boys get older and hit further that additional netting will be required to keep the balls from going out of the park. Mr. Klein responded that from a liability standpoint, it is an important issue for them as well and that they would certainly add additional netting.

Commissioner Salcedo asked about parking during the tournaments and whether they felt that 40 parking spots will be sufficient. Mr. Klein responded that they only have a couple of tournaments a year and he felt that 40 parking spots would be more than adequate.

Commissioner Dickson inquired about the 10-foot fence and whether they were requesting all fencing to be 10 feet high. Mr. Klein responded that was their preference to keep trespassers off the property.

Chair McCarthy asked Mr. Klein what will happen to the property after 8 years. Mr. Klein responded that this property is an investment for him and that he would either develop or sell it at the end of 8 years.

**PUBLIC COMMENTS:**

No one wished to speak so the Chair closed public comments.

**MOTION:** Approve Planning Application PA-11-26 by adoption of Planning Commission Resolution PC-12-01, based on the evidence in the record and the findings contained in Exhibit A, subject to conditions in Exhibit B with the following additional conditions:

**CONDITIONS OF APPROVAL:**

1. PA-11-26 shall terminate no later than 8 years from the date of this approval approval (January 9, 2020).
2. All fencing materials in excess of 6 feet in height that are subject to this variance (metal fencing, chain link fencing, and safety netting) shall be removed no later than 8 years from the date of this approval (January 9, 2020).
7. All security fencing, including the proposed decorative fencing along Harbor Boulevard, shall not exceed 10 feet in height. Decorative materials shall be subject to approval by the Planning Division.
16. Deleted.
20. Applicant shall work with the City Engineer to dedicate a 10-foot wide area along the width of the entire property along Harbor Boulevard. The dedication shall be final prior to issuance of any permits unless as otherwise authorized by the City Engineer.
21. Applicant shall note that the variance for the 60-foot height limitation shall apply to the ball catcher safety netting and its related support structures, which shall be located along the southerly, northerly, and easterly property lines and shall not exceed 60 feet in height.

Moved by Commissioner Clark, seconded by Chair McCarthy.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo  
Noes: None  
Absent: None

**VI. BUSINESS ITEMS:**

1. I-405 update from Transportation Services

Raja Sethuraman, Transportation Manager, provided an informational report on the I-405 project.

2. Green Design Award Nomination

- a. Precision Optical
- b. T3 Motion

Commissioner Fitzpatrick nominated both Precision Optical and T3 Motion for the Green Design Award.

Moved by Commissioner Fitzpatrick, seconded by Chair McCarthy.

The motion carried by the following roll call vote:

Ayes: McCarthy, Clark, Dickson, Fitzpatrick, Salcedo  
Noes: None  
Absent: None

**VII. ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON FEBRUARY 13, 2012.\*\***

Submitted by: \_\_\_\_\_  
CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION

\*\*Note: The February 13<sup>th</sup> meeting has been cancelled. The next regularly scheduled meeting is March 12, 2012 at 6:00 p.m.