

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION**

March 22, 2004

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., March 22, 2004 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Garlich, followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

Commissioners Present:

Chairman Bruce Garlich

Vice Chair Bill Perkins

Katrina Foley, Dennis DeMaio and Eric Bever

Also Present: Perry L. Valentine, Secretary

Costa Mesa Planning Commission

Linda Nguyen, Deputy City Attorney

Ernesto Munoz, City Engineer

Jana Ransom, Recreation Manager

Mark Taylor, Management Analyst

Kimberly Brandt, Senior Planner

Mel Lee, Associate Planner

MINUTES:

The minutes for the meeting of March 8, 2004 were accepted as amended.

PUBLIC COMMENTS:

Dave Salcido, 954 West 17th Street, Costa Mesa, asked why the Commission does not adhere to the 80% ratio of second to first floor guideline. The Chair explained that the Commission does in fact, follow the Residential Guidelines but they are guidelines and not code requirements and there may be circumstances when deviation from the 80% standard will still meet the intent of the guidelines which were created to address the issues of mass and scale. He said about a year or two ago there were homes with second stories with pitched roofs that were open to the first floor that may have caused the ratio to go above 80%. The ratio could have been lowered by building a lower pitched roof and by keeping the second story closed to the floor below, the results would be architecturally unpleasing. Mr. Valentine added there are cases, as the Chair pointed out, where they achieve reduction in mass and scale through other means and still achieve the desired objective.

**PLANNING COMMISSIONERS
COMMENTS/SUGGESTIONS:**

Commissioner Bever stated he attended last Thursday's (WROC) Westside Revitalization Oversight Committee rezone subcommittee meeting. He said Chairman Mike Harrison invited homebuilders, Dan Flynn of John Lange Homes, Scott Newcomb of Olson Company, and Tom Paradise of Standard Pacific to speak. All three developers indicated it is feasible to take industrial property, even with existing businesses on it, and use the property to build residential homes. Existing businesses are not an impediment from a financial standpoint and this clarified a lot of questions for many people. He acknowledged that Chairman Garlich also attended the meeting. On Saturday, he said he and the Chair attended their closing class of the Citizens Emergency Response Team Training.

Vice Chair Perkins said he looks forward to attending the League of California Cities Planning Conference in Monterey with the Chair and Commissioner Bever

Chairman Garlich said that as Commissioner Bever mentioned, he also attended the WROC meeting and his view of it was that it took a subject which has been an enigma defying a solution for many years, and turned into something that not only looks possible, but probable to deal with. He said one of the encouraging things about

the presentation was the underlying fact that property values have risen to the point now, where developers can offer prices for land conversion to residential use without the City getting involved in eminent domain. He agreed with Commissioner Bever that it was a very positive direction. The Chair also added, with respect to the closing class for the Citizens Emergency Response Team Training, that this was the second Fire Academy of 17. He said these programs are usually conducted once or twice a year and are open to residents of Costa Mesa.

CONSENT CALENDAR:

On a motion made by Chairman Garlich, seconded by Commissioner Foley and carried 5-0, the items on the Consent Calendar received the action below.

DEVELOPMENT AGREEMENT
DA-03-07

Madden/City

Development Agreement DA-03-07 for Kerry Madden, authorized agent for the Orange County Performing Arts Center and South Coast Repertory Theatre, for the annual review of the Segerstrom Center for the Arts Development Agreement (DA-00-03), generally located east of Park Center Drive and west of the Avenue of the Arts between Sunflower Avenue and Anton Boulevard. Environmental determination: exempt.

Based on evidence in the record, the Planning Commission recommended to City Council: (a) that it determine and find that Orange County Performing Arts Center and South Coast Repertory Theater have demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-03; (b) that future annual reviews of this development agreement be delegated to the Planning Commission.

VACATION OF RIGHT-OF-WAY

City

General Plan Consistency Finding for the City of Costa Mesa to allow vacation of excess right-of-way for a portion of Sea Bluff Drive east of Canyon Drive. Environmental determination: exempt.

Adopted Planning Commission Resolution PC-04-27, finding consistency with the City's General Plan, based on information and analysis contained in the Planning Division staff report.

PUBLIC HEARINGS:

ORDINANCE/SIGNS & BANNERS ON ATHLETIC FIELDS

City

The Chair opened the public hearing for consideration of an ordinance for the City Council of the City of Costa Mesa amending the Zoning Code of the Costa Mesa Municipal Code regarding the use of banners on athletic fields. Environmental determination: exempt.

Recreation Manager Jana Ransom reviewed the information in the staff report and presented photographs of current banners. She said staff recommends that Planning Commission recommend to City Council, first reading of the draft ordinance.

She also read a statement from the school district as to their concerns relating to this amendment. They indicated the following: (a) specific language be inserted into the Administrative Regulation requesting that the banners not exceed 2 feet by 10 feet and not contain more than 3 colors; (b) that they not be placed on school fences at anytime except during the season or for the duration of the sports season; and (c) the banners shall not be placed within 50 feet of homes.

She stated that the Recreation Division was considering limiting the banner requests to Group 1 users (AYSO, American and National Little League, Newport/Harbor Baseball Association, Costa Mesa United Soccer, etc., approximately 13 total) which are youth sports organizations that are nonprofit, must be residents of Costa Mesa, and have all of their fees paid. In response to a question from Commissioner Foley, she said groups that do not have the "everyone plays" philosophy, and have fewer than 90% residents, are considered a "for profit", or, do not nonprofit status. In response to a

question from Vice Chair Perkins, she said currently the banners are allowed to be put up on game days and must be taken down on game days.

Vice Chair Perkins questioned the possibility of streamlining the ordinance. The Chair confirmed with Deputy City Attorney Linda Nguyen that to process the ordinance, it would first have to get first and second readings, with a 30-day period elapsing after the second reading before it becomes law. Commissioner Foley asked if the Planning Commission has the authority to allow the banners to stay up for the duration of the season pending the outcome of the council decision. Ms. Nguyen said she would have to get back to Commission on that question. The Chair said it was his understanding it was inconsistent with the code and he didn't think the Commission would have the authority to do anything until the ordinance is changed. Commissioner Foley asked Mr. Valantine the same question but asked if their authority could be an exception to the ordinance for purposes of leaving the banners up for the duration of the season. Mr. Valantine said that the banners had been used in previous years in the manner they are now being proposed to be allowed, and until there were objections made, and it was determined that they were not in compliance with the zoning code. The City Council directed that they be taken down and used only intermittently until the code is actually amended. He believed if anyone has the authority to grant an exception, it would be City Council. Another possibility is that they might be able to adopt it as an urgency ordinance, but he was not sure it could meet the requirements.

In response to Vice Chair Perkins, Ms. Ransom explained that the Commission's action on this ordinance is to recommend positively, or negatively. It does not have anything to do with giving permission for the amendment to be passed. Commissioner Foley asked if City Council, at the time they gave this direction, specifically said that they wanted the banners to come down and be put up at each game. Management Analyst Mark Taylor stated that at the July 14th study session, staff brought to City Council, comments and concerns regarding the use of athletic fields at the California/TeWinkle Schools. One of the issues brought up was the use of banners, and they suggested that staff research the issue and if appropriate, return with revisions to the municipal code to allow banners on athletic fields. In response to Commissioner DeMaio regarding banners and direction, or permission to put them up and take them down, Ms. Ransom stated that the ordinance as it is now written, precludes the banners from being left up for the duration of the season.

The following persons, along with Commission and staff input, discussed their views regarding banners on athletic fields in conjunction with the draft ordinance amendment: Martin Millard, 2973 Harbor Boulevard; Robert Knapp, 2705 Sparrow Circle; Amy Stevens, 2004 N. Capella Court; Gregg Paerce, 2953 Baker Street; Vicky Moore, 1639 Iowa Street; B.J. Mazer, 2761 Bunting Circle; John Stevens, 2004 No. Capella Court; Matt West 1628 Corsica Place; Kirk Bari-miester, 3901 Jefferson Avenue; Jose Liguerez, Coach at Costa Mesa High School; Lowell Swit, 1616-A Iowa Street; Joe Moody, 1643-D Iowa Street; Jesus Duarte; Dirk Petual, attorney representing the Mesa Verde Villas Homeowners Association (140 residential units adjacent to the California and TeWinkle Schools); William Graham, 2792 Red Wing Circle; Pam DeSaca, 1618 Iowa Street; Sandra Genis, 1586 Myrtlewood Street; Beth Refakas, 320 Magnolia Street; Cheryl DeFrenza, 2833 Clubhouse Road, Costa Mesa.

The discussions included: (1) the appearance of, the banners, how and why they are sponsored, parental involvement, and what the proceeds are used for, (2) the content and application of commercial

and team banners and their installation, (3) the intention to place the banners on the fence in an enclosed playing field [not the park]; (4) the obtrusive appearance of banners left on the fences throughout the year; (5) the issues of increased noise, portable chemical toilets, heavily congested traffic, and inadequate parking problems have been, and continue to be on the increase in the surrounding nearby neighborhood(s) [140 homeowners at Mesa Verde Villas, and Iowa Street residents], when games are going on; (6) the degree to which the leagues and City have worked together with residents to resolve these issues; (7) an ongoing debate regarding the question of putting up banners during games and then taking them down at the conclusion of the game, or leaving them up throughout the sports season—including discussion of the problems associated with each of the these options; and (8), because this facility was never suited to the needs of little league, it is time for the City to consider finding alternative locations in less densely populated areas.

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

Commissioner Foley said she was reviewing the ordinance and that it states, “banners on private property”, and she was wondering if this even applies to banners on publicly owned properties. Mr. Valentine explained that there is an earlier section in the code under “Prohibited Signs” that prohibits flags, banners and pennants, except as provided in the table. The table does provide for banners on private property, so the implication is that they are prohibited on public property and with this amendment, the banners would be allowed on athletic fields.

There was discussion between Ms. Ransom and Vice Chair Perkins about presenting this item to City Council as early as possible.

MOTION:
Signs/Banners on Athletic Fields
Recommended first reading

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 4-1 (Eric Bever voted no), to recommend to City Council they give first reading to the draft ordinance based on analyses and information contained in the staff report with the following recommendations:

1. This ordinance is limited to Group 1 users.
2. Delete the requirement for a description of banner content in the draft Administrative Regulation.
3. Add to the Installation Standards, Section III 3.b. of the draft Administrative Regulation, “all banners must be maintained in good condition and removed or replaced if torn, faded, or dirty, or otherwise tarnished, to include graffiti.”
4. Direct staff specify in the draft Administrative Regulation that a one-time request for the season is sufficient, as opposed to individual permission for each banner.

The second concurred with the recommendations.

Commissioner Foley said she has appreciation for the residents who have expressed concerns about outhouses, and about visible and overflowing trash bins, but she believed those issues cause more blight than the banners. She said she saw the banners displayed uniformly, and that they display pride in the youth and community, and show a willingness of the community to support youth and recreation. She felt the ordinance prevents businesses from using banners instead of having permanent signage. While the banners are currently prohibited under code, she believed it’s important to the community and athletics, to support sponsorship of the banners.

Chairman Garlich said he seconded and supported the motion for most of those same reasons. He believed with regard to the visual blight issue, the orderly presentation of the banners is consistent with that aspect of the intent of the sign code. With regard to the use of the administrative regulation, it's a good way to handle a lot of the "what if" questions that just this evening have come up from the dais and the audience. He did not believe the City was vesting too much authority in the Recreation Division.

Vice Chair Perkins supported the motion and agreed with Commissioner Foley that banners, if hung properly, don't look bad. He indicated that the residents in the Iowa Street neighborhood do not have an issue with the baseball field, but rather with traffic and other issues. He spoke in favor of little league baseball as being a great opportunity for children.

Commissioner Bever said it seemed to him, the neighbors on Iowa Street did propose a compromise situation and it troubled him that no one on the Commission, except himself, feels that would be a potential vehicle for resolving the contention regarding this issue. Putting the banners up and taking them down, doesn't seem like a lot to ask. He said he also has one serious reservation; little league uses this as a device for fund raising and he supports youth sports, but he felt that the Commission is taking this from the venue of "little league" which is three Group 1 users into the realm of 13 Group 1 users. He said he could see a backlash in the community if this is allowed to go forward the way it is; we may end up with citizen groups in here telling us "no banners." He said he believes this needs to be tightened up and regulated in way that is not impactful to the neighborhood and in a way that does not increase the burden upon the community. For those reasons, unless the maker of the motion is willing to change: under (1) Installation Requests, (d.) date of installation and date of removal to: daily, on game days, and unless this is limited to little league use, he could not support the motion.

Commissioner Foley said she was not willing to make that change because she believed that Commissioner Bever's request would be a burden. She didn't feel the problem was really with banners, but more about trash, outhouses, and increased use of the fields. She didn't expect a backlash because all of these groups have been operating under the assumption that they could have banners and we haven't any complaints except related to TeWinkle at this time.

Chairman Garlich said he would like to comment on the issues Commissioner Bever just spoke about. He thanked him for bringing up the issue of putting up and taking down the banners. He said he also believes that it's an unnecessary and uncalled for burden, and a lot of people who have suggested that it isn't, aren't the ones that are doing it right now. He felt that consistently removing them contributes to their deterioration. He said, although it had been speculated, he hasn't heard evidence of the sport field financially impacting anybody. He said league play hadn't just started there, it may have moved around somewhere on the property, but it's been going on there a long time.

Commissioner DeMaio said he would support the motion because he believed that sponsorship is extremely important in all sports, and that sponsorship for the disadvantaged child, provides an opportunity to play. It may not, or may be an impact to the neighborhood, but he believed if we don't put up the sponsorships (installation of banners), it would cut down on some of the contributions.

Commissioner Bever said he would like to point out that he is not suggesting that we abandon banners or sponsorships, but is simply suggesting finding a compromise that makes both parties happy.

In response to the Chair, Ms. Ransom stated that they would try to get this on the City Council agenda of April 5th.

ORDINANCE/MOTOR VEHICLE
RETAIL SALES BUSINESSES

City

The Chair opened the public hearing for consideration of an ordinance for City Council of the City of Costa Mesa, amending the Zoning Code to establish special zoning regulations for Motor Vehicle Retail Sales Businesses. Environmental determination: exempt.

Senior Planner Kimberly Brandt reviewed the information in the staff report and gave a visual presentation of the existing setbacks on Harbor Boulevard. She said staff recommends Planning Commission recommend to City Council, first reading be given to the draft ordinance.

In response to a question from Commissioner Foley regarding communications on this item, Ms. Brandt said she received one phone call and one email, which is attached to the Commission's staff report. She said the email was supportive of the change in the regulations; however, the author wanted the regulations to be applied only to franchised vehicle dealers. Deputy City Attorney Linda Nguyen stated that the letter indicates the author is a franchise dealer.

Commissioner Foley commented that she asked staff to bring this item forward because she saw that each time there was a variance request, the variance would be granted as to the setback request. She pointed out that most of the establishments have been there for many years and are legal nonconforming. The compromise would be the 10-foot setback, which seems to be the average setback. This means the Commission does not have to go through the variance process.

Commissioner Bever asked if there was some way the legal nonconforming lots such as the Harbor Auto Center with pavement to the curb and several others very similar, could be conditioned or forced into compliance, when upgrading the dealership or any other changes they might be making to the dealership. Ms. Brandt stated if they were to expand their business, they would need to go through a conditional use permit process. Through that process, staff would require the landscape setback if possible. Commissioner Bever surmised that a number of the small dealers may have put off expansions or any significant improvements of the their lot because they don't want to give up a 20-foot landscape setback. In that regard, it's possible that a 10-foot setback might open up more improvement on the block.

In response to a question from Vice Chair Perkins, Ms. Brandt said she did not distinguish between "new" or "used" vehicles; they are considered the same for zoning purposes.

Sandra Genis, 1586 Myrtlewood. Costa Mesa advised the Commission of what happens in her neighborhood regarding auto dealerships. Mr. Valantine stated that the issues Ms. Genis described, are regulated by conditional use permits. Some of the older dealerships do not have conditional use permits, or had them issued many years ago, may not have those conditions on them. If they are code requirements, it might be questionable as to whether they are retroactively applied.

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

MOTION:
Motor Vehicle Retail Sales Businesses
Recommended first reading

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 5-0 to recommend first reading be given to the draft ordinance based on analysis and information contained in the Planning Division staff report.

Ms. Brandt stated that this item would go forward to the City Council.

cil meeting of April 19th.

Commissioner Foley requested that Ms. Brandt have Code Enforcement respond to Ms. Genis' concerns.

PLANNING APPLICATION
PA-02-10

Khosravi

The Chair opened the public hearing for consideration of Planning Application PA-02-10 for Farhad E. Khosravi, for revisions to a previously approved four-unit detached, two-story single-family residential development, located at 258 Santa Isabel Avenue in an R1 zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the planned revisions. He said staff recommends approval by adoption of Planning Commission resolution, subject to conditions.

Farhad Khosravi, 264 Santa Isabel Avenue, Costa Mesa, stated that the project is moving along fine and staff has been doing a good job.

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

MOTION:
PA-02-10
Approved

A motion was made by Commissioner Foley, seconded by Vice Chair Perkins and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-28, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT

Mr. Valantine said that at the last hearing there was a conditional use permit request for the property at the corner of Harbor Boulevard and Adams Avenue. One of the Commissioners pointed out some window signs that were in excess of the code allowances for a couple of businesses on that property. He said Code Enforcement contacted those businesses, and as of last Friday's inspection, they are now in compliance.

REPORT OF THE SR. DEPUTY CITY ATTORNEY

None.

City Engineer Ernesto Munoz stated that at the last Planning Commission meeting, Commissioner Foley requested that staff look at 3 streets for their condition. He said they were looked at, and the City would be providing short-term repairs within the next 2 weeks. He said they also looked at the streets in terms of what could be done for permanent repairs. At this point, those streets are not on the list because there are streets that are much worse off. He said their condition will be monitored and he would keep Commissioner Foley posted.

ADJOURNMENT:

There being no further business, Chairman Garlich adjourned the meeting at 9:20 p.m., to the study session of Monday, April 5, 2004.

Submitted by:

PERRY L. VALANTINE, SECRETARY
COSTA MESA PLANNING COMMISSION