

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
October 27, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., October 27, 2008, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Hall.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Commissioner Righeimer led the Pledge of Allegiance.

II. ROLL CALL: Chair: Donn Hall
Vice Chair: James Fisler
Commissioners: Sam Clark, Eleanor Egan, and James Righeimer

Present: Chair Donn Hall
Vice Chair James Fisler
Commissioner Sam Clark
Commissioner Eleanor Egan
Commissioner James Righeimer

Absent: None.

Also Present: Planning Commission Secy. Kimberly Brandt
Deputy City Attorney Tom Duarte
Acting City Engineer Thomas L. Banks
Senior Planner Mel Lee
Senior Planner Minoo Ashabi
Planning Intern Eric Chan

III. MINUTES: Minutes for the meeting of October 13, 2008

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

The Chair pointed out that Public Hearing Item No. 2, relating to Urban Plans, involves many questions and he suggested having a future study session on this item and then bringing it back for a public hearing. He reminded the audience that if anyone wished to

Speak on Item No. 2, they would need to wait until the public comments on that item.

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Vice Chair Fisler commented that he attended Ethics Training at the Planning Director's Association of Orange County Forum a week ago last Thursday and said he was instructed to disclose that information.

The remaining Commissioners discussed their participation in the Ethics Training.

VI. CONSENT CALENDAR:

1. Proposed vacation of a portion of East 19th Street at 419 East 19th Street.

The Chair asked if anyone wished to pull this item from the Consent Calendar to discuss it separately and no one wished to do so.

MOTION: Find that the proposed vacation is in conformity with the 2000 General Plan, by adoption of Planning Commission Resolution PC-08-73.

Moved by Commissioner Eleanor Egan, seconded by Commissioner James Righeimer.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

VII. PUBLIC HEARINGS:

1. General Plan Amendment GP-08-05 to amend the Land Use Element of the Costa Mesa 2000 General Plan to address heliports/heliopads pursuant to the John Wayne

Airport Environs Land Use Plan. Environmental determination: exempt.

Planning Intern Eric Chan reviewed the information in the staff report and responded to a question from the Commission relating to a possible heliport on Airway Avenue existing in Costa Mesa.

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

MOTION: Recommend that City Council adopt General Plan Amendment GP-08-05, amending the Land Use Element of the 2000 General Plan, as set forth in Exhibit "A", by adoption of Planning Commission Resolution PC-08-74.

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

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righheimer

Noes: None.

Absent: None.

Planning Commission Secretary Kimberly Brandt mentioned that this item would be scheduled for the City Council meeting of November 18, 2008.

2. **Amendment No. 1 to amend the (1) SP-05-06 SoBECA Urban Plan, (2) SP-05-07 19 West Urban Plan, (3) SP-05-08 Mesa West Bluffs Urban Plan, and (4) SP-05-09 Mesa West Residential Ownership Urban Plan to include additional provisions related to mixed-use, live/work, and residential development in the mixed-use overlay zone. Environmental determination: exempt.**

The Chair asked if anyone wished to speak on this item.

Martin Millard, Costa Mesa, expressed his concerns with the minimum one-acre lot size requirement that applies to

Westside Urban Plan projects on Page 4 of the staff report. He pointed out that this requirement would be detrimental to redevelopment on the Westside and should be reviewed in a study session.

John Hawley, Westside homeowner, Costa Mesa, explained that he owned a 9,000 square foot parcel and the report missed two important demographics: a small business owner with family looking for a desirable outdoor space for kids, and businesses that do not want to be part of a homeowners association or a business association.

In response to the Chair's question if there was any desire to continue this item to a study session, Commissioner Clark replied that due to the amount of information to be reviewed to make a good decision, he would make a motion.

MOTION: Continue this item to a study session in January 2009 and possibly a return to a public hearing in February 2009.

Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer.

During discussion on the motion, Ms. Brandt replied to the Chair that January 5, 2009 would be the only Monday available in January for a study session, or a meeting in February. She said she would survey the Commissioners on their availability.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler,
Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

3. **Planning Application PA-08-24, for Scott Mitchum, authorized agent for Murrey Seidner, for a conditional use permit to allow ancillary pawn broker services at a watch and jewelry store, located at 1860 Newport Boulevard, in a C2 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report, and there were no questions of staff.

Murray Seidner, property owner, agreed to all the conditions and presented some pictures of the inside of the property. He also presented a letter of support signed by his surrounding neighbors.

In response to the Chair's question concerning an advertisement, Mr. Seidner replied that he changed his minimal loan amount due to the current economic conditions, but agreed to a condition being added relating to the minimal loan amount of \$2,500.00.

The Chair referenced the petition/letter of support signed by Mr. Seidner's neighbors.

In response to Commissioner Egan's question if the words "pawn" and "loans" were intentional omissions in the petition, Mr. Seidner replied no.

Mr. Seidner explained that he was providing pawnbroker services in his Newport Beach store, not in Costa Mesa.

Mr. Seidner had no final comments.

Commissioner Clark stated that he was struggling with approving this item and did not want to see four pawn shops on Newport Boulevard. He also referenced Donald Klein's letter dated October 22.

Mr. Seidner emphasized that his business is mainly jewelry and watches and he does not work with small dollar items.

Commissioner Clark remarked that he could not support this request.

The Chair, Vice Chair Fislser, and Mr. Lee discussed signage and Mr. Seidner agreed to no signs stating "loans" or "pawn".

Commissioner Egan said it was a really bad idea to put this

business in this location, in the downtown redevelopment area where large sums of public money were spent. She stated that she was not in favor of this request.

MOTION: Approve Planning Application PA-08-24, by adoption of Planning Commission Resolution PC-08-75, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B", with the additional Condition Nos. 4 and 5, adopted as follows:

CONDITIONS OF APPROVAL

4. No loans less than \$2,500.00 shall be permitted.

5. No exterior signs stating "loans" or "pawn" shall be permitted.

Moved by Commissioner James Righeimer, seconded by Vice Chair James Fisler.

During discussion on the motion, Commissioner Righeimer and Vice Chair Fisler agreed to the Chair's suggestion of adding the conditions that no loans less than \$2,500 shall be permitted and no exterior signs stating "loans" or "pawn" shall be permitted.

Deputy City Attorney Tom Duarte pointed out that due to First Amendment issues, the content or look of the signs can not be enforced. There was further discussion between the Chair, Vice Chair Fisler, Commissioner Righeimer, and Deputy City Attorney Duarte concerning signage.

Commissioner Righeimer mentioned that this business is a legal business and it will provide competition among the other businesses.

Commissioner Egan reiterated that there are many pawn shops on 19th Street and plenty of competition.

Vice Chair Fisler gave his support for the motion mentioning that this is a watch and jewelry store.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fidler, and
Commissioner James Righeimer
Noes: Commissioner Sam Clark, and Commissioner Eleanor
Egan
Absent: None.

The Chair explained the appeal process.

4. **Planning Application PA-08-27, for Jack Schechter, authorized agent for Kathleen Lockhart and Michael Hughes, for a conditional use permit to allow ancillary pawn broker services at a watch and jewelry store, at two separate locations, located at 1808 and 1872 Newport Boulevard, in a C2 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report.

The Chair stated there would be two separate items/motions on this item: one for the property at 1808 Newport Boulevard (PA-08-27-1), and the other for the property at 1872 Newport Boulevard (PA-08-27-2). He also stated that the store at 1808 Newport Boulevard has had a pawn broker's license since 2006, and this conditional use permit was to legalize that license.

Mr. Lee responded to a question from the Commission regarding a roof sign at 1872 Newport Boulevard.

There was a discussion about approving only one of the two businesses.

Jack Schechter, applicant, and his son, Mark Schechter, both came up to the podium to speak.

Mr. Mark Schechter emphasized that the minimum loan amount is \$2,500.00 and the jewelry is held as collateral for the loan. He also noted this will help local businesses and developers during very difficult times.

Mr. Jack Schechter pointed out that the loans are a small part

of the business besides selling watches and jewelry. He stated they perform jewelry repair at the 1808 Newport Boulevard location and they also perform watch repair. He noted that they have expanded their business due to the increase in jewelry and watch repair work. He also mentioned that they have spent a large sum of money on this new location (1872 Newport Boulevard), including new flooring, and his son, Mark, will be taking over soon when he retires.

Commissioner Egan stated that she had no objection to the business, just the particular location of the business.

Mr. Jack Schechter agreed to a new condition suggested by the Chair that loans shall not be less than \$2,500.00. He also replied to Commissioner Righeimer that of the two locations, he would rather keep in business the location at 1872 Newport Boulevard. He noted they are committed to a 10-year lease at that location and it is larger in size.

Mr. Mark Schechter explained to Commissioner Egan that loans are currently made only at the first location, 1808 Newport Boulevard, and currently customers at 1872 Newport Boulevard are walked to the other location if they need a loan.

No one else wished to speak and the Chair closed the public hearing. The Chair asked the Commissioners to discuss making a motion on the first location, at 1808 Newport Boulevard.

MOTION: Approve Planning Application PA-08-27-1, for 1808 Newport Boulevard, by adoption of Planning Commission Resolution PC-08-76, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B", with the following adopted additional condition:

CONDITIONS OF APPROVAL

4. No loans less than \$2,500.00 shall be permitted. Moved by Commissioner James Righeimer, seconded by Vice Chair James Fisler.

During discussion on the motion, Commissioner Clark said he appreciated the presentation and would support the motion.

Vice Chair Fisler commented that the new location at 1872 Newport Boulevard already has signage for jewelry and loans.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler,
Commissioner Sam Clark, and Commissioner James
Righeimer

Noes: Commissioner Eleanor Egan

Absent: None.

The Chair asked the Commissioners to make a motion on the second location.

MOTION: Approve Planning Application PA-08-27-2, for 1872 Newport Boulevard, by adoption of Planning Commission Resolution PC-08-77, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B", with the following adopted additional condition:

CONDITIONS OF APPROVAL

**4. No loans less than \$2,500.00 shall be permitted.
Moved by Commissioner James Righeimer, seconded by
Vice Chair James Fisler.**

During discussion on the motion, Commissioner Righeimer stated that they have two distinct types of businesses and supported both locations.

Commissioner Egan pointed out that conditional use permits run with the land.

Commissioner Clark agreed entirely with Commissioner Egan and said he would not be supporting the motion.

The Chair made a comment about the "free market".

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fidler, and
Commissioner James Righeimer
Noes: Commissioner Sam Clark, and Commissioner Eleanor
Egan
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, NOVEMBER
10, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 7:28 p.m. to the Planning Commission meeting of Monday, November 10, 2008.

Submitted by: _____
KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION