

**REGULAR MEETING OF THE CITY COUNCIL  
CITY OF COSTA MESA**

**April 15, 2008**

The City Council meeting of the City of Costa Mesa, California met in regular session April 15, 2008, at 5:02 p.m., in the Council Chambers of City Hall, 77 Fair Drive, Costa Mesa. The meeting was called to order by the Mayor.

**I. ROLL CALL**

Council Members Present: Mayor Eric R. Bever  
Mayor Pro Tem Allan R. Mansoor  
Council Member Linda W. Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
City Clerk Julie Folcik

**II. PUBLIC COMMENTS**

There were no public comments.

**III. CLOSED SESSION:**

1. CONFERENCE WITH LEGAL COUNSEL - Pending Litigation: Astin and Locke v. City of Costa Mesa; Orange County Superior Court Case Number 06CC05755, pursuant to Government Code Section 54956.9(a).

Mayor Bever recessed the meeting at 5:03 p.m. to the closed session in Conference Room 1B.

The Mayor reconvened the regular meeting at 6:00 p.m.

**PLEDGE OF ALLEGIANCE - Council Member Linda Dixon**

**MOMENT OF SOLEMN EXPRESSION - Pastor Amour Potter, Costa Mesa Seventh Day Adventist Church**

**ROLL CALL**

Council Members Present: Mayor Eric R. Bever

Mayor Pro Tem Allan R. Mansoor  
Council Member Linda W. Dixon  
Council Member Katrina Foley  
Council Member Wendy Leece

Council Members Absent: None

Officials Present: City Manager Allan Roeder  
Assistant City Manager Thomas Hatch  
City Attorney Kimberly Hall Barlow  
Development Services Director Donald Lamm  
Public Services Director Peter Naghavi  
Senior Planner Mel Lee  
Fairview Park Plan Administrator Robert Staples  
Management Analyst Carol Proctor  
Senior Planner Minoo Ashabi  
City Clerk Julie Folcik

## **CLOSED SESSION REPORT**

City Attorney Kimberly Hall Barlow reported that no action was taken on the closed session item.

## **PRESENTATIONS**

The Mayor announced that Vic Bakkila, Costa Mesa Police Sergeant, had been selected as a recipient for the Mayor's Award for his efforts over the past several months; in increasing the quality of life for a woman who, in the past, caused considerable complaint issues at Lions Park. He was recognized for his genuine concern, outstanding actions, and commitment to public welfare and safety.

The Mayor presented a proclamation to Dawn Hoem and Erica Cacas of the American Heart Association proclaiming National Start Walking Day on April 16, 2008.

## **IV. PUBLIC COMMENTS**

1. Jim Atkinson, President of the Mesa Consolidated Water District, encouraged the City to adopt a resolution proclaiming May as Water Awareness Month; and advised to contact the water district at (949) 631-1205 for information on water conservancy programs.
2. Charlene Ashendorf, Costa Mesa, reported an incident regarding the destruction of her portable basketball hoop by an anonymous neighbor and felt she had a right to know who filed a complaint to the City so she could take action for the replacement value of the portable basketball hoop.

3. Debra Reed, South Coast Air Quality Management District (SCAQMD) representative, announced that nominations for SCAQMD 20th Annual Clean Air Awards are open and presented the Council with their newsletters and membership forms for Clean Air Congress.

## **V. COUNCIL MEMBERS' REPORTS, COMMENTS, AND SUGGESTIONS**

Council Member Linda Dixon expressed appreciation and thanked Sergeant Vic Bakkila for going beyond the call of duty.

Mayor Eric Bever noted the passing of local architect Michael Boudreaux and recognized his efforts with the Development Services Department on the Westside overlay planning illustrations.

Council Member Wendy Leece reported on the Youth in Government Program and their field trip of the Daily Pilot/Los Angeles Times; encouraged high school students to register for the program; attended the Costa Mesa Senior Center Board Meeting and advised of board vacancies encouraging citizens to get involved; thanked City staff for the summary of organizations that oppose the expansion of John Wayne Airport (JWA) and expressed interest in attending meetings on the matter. City Manager Allan Roeder informed the Council on establishing a joint meeting with the Newport Beach City Council relating to the Go Local Application and expansion of JWA. Council Member Leece reported on the Vector Control Board meeting and cautioned on the Flea Borne Typhus.

Mayor Pro Tem Allan Mansoor thanked Sergeant Bakkila and recognized his efforts in helping the homeless.

Mayor Eric Bever congratulated the Sonora Elementary School and Killybrooke Elementary School for receiving California Distinguished School Awards and noted that proclamations were forthcoming.

## **VI. CONSENT CALENDAR**

### **CONSENT CALENDAR ITEM NOS. 1 THROUGH 8.**

**MOTION: Approve recommended actions for Consent Calendar Items Nos. 1 through 8, except for Consent Calendar Items Nos. 2 and 5.  
Moved by Council Member Linda W. Dixon, seconded by Mayor Eric R. Bever.**

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Linda W. Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

1. Reading Folder.

The following Claims were received and processed by the City Clerk: Daniel DeBassio; Mercury Insurance on behalf of Lorena A. Musselman; David M. Petrun; and Rey L. Ochoa, Esq., on behalf of Braden and Autumn Olsen.

The following Requests for Alcoholic Beverage Control Licenses were received and processed:

Hilton Hotels Corporation, for Hilton Costa Mesa located at 3050 Bristol Street, for a stock transfer of existing type 47 (on-sale general for a bona fide eating place), type 66 (controlled access cabinet permit), and type 68 (portable bar).

Anna Scandalos, for Inka Grill located at 260 Bristol Street, for a type 41 (on-sale beer and wine for a bona fide eating place).

3. Warrant Resolution 2208, funding City operating expenses for \$990,832.03.

ACTION: Resolution adopted.

4. Warrant Resolution 2209, funding Payroll No. 807 for \$2,471,725.39, and City operating expenses for \$642,490.41 including payroll deductions.

ACTION: Resolution adopted.

6. Agreement with the County of Orange to Transfer Property or Funds for Fiscal year (FY) 2007-2008 Homeland Security Grant Program (HSGP) purposes.

(a). A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF FISCAL YEAR 2007 HOMELAND SECURITY GRANT PROGRAM (HSGP) FUNDS.

ACTION: Approved agreement and authorized the City Manager or his designee and City Clerk to sign; and adopted Resolution No. 08-27.

7. Authorize refund of cash deposit in the amount of \$9,076 to Home Plate Development, 711 West 17th Street, Costa Mesa, in connection with Encroachment Permit No. PS06-00769 for street improvements and setting corner monuments for PM-2006-142 located at 2463 Elden Avenue.

ACTION: Approved.

8. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA

MESA, CALIFORNIA, AMENDING THE STREETScape AND MEDIAN DEVELOPMENT STANDARDS, to modify the maximum mature height of landscape shrubberies within parkways and medians.

ACTION: Adopted Resolution No. 08-28.

ITEMS REMOVED FROM THE CONSENT CALENDAR

2. Regular Meeting Minutes of April 1, 2008; and Adjourned Regular Meeting/Study Session Minutes of April 8, 2008.

Council Member Leece and Mayor Pro Tem Mansoor advised of changes to the Regular Meeting Minutes of April 1, 2008.

**MOTION: Approve; amending the Regular Meeting Minutes of April 1, 2008, to replace “granny” with “rear” in the substitute motion on page 11; to replace “Mayor Eric R. Bever” with “Mayor Pro Tem Allan R. Mansoor” in the substitute motion on page 12; and to correct typographical errors on pages 9, 10, and 12.  
Moved by Mayor Eric R. Bever, seconded by Council Member Wendy Leece.**

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Linda W. Dixon, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: None.

5. Cooperative Agreement 12-554 with State of California Department of Transportation (Caltrans), for the construction of improvements on Newport Boulevard between 17th Street and 19th Street.

Public Services Director Peter Naghavi summarized the staff report and responded to questions from the Council.

Michael Moon, Costa Mesa, opposed the project and commenting that it would not solve the traffic problems as well as questioned the viability and the cost of the project.

Kerry Wiseberg, Costa Mesa, opposed the widening of Newport Boulevard; opined that it would increase the traffic and encouraged the Council to not approve the item.

Tony Peca, Costa Mesa, spoke in opposition to the project; questioned the viability and funding of the project.

Jeff McConville, Costa Mesa, referencing a previous Neighborhood Traffic Calming Program felt that traffic calming could work, and felt that the

eastside residents were not represented properly.

Beth Refakes, Costa Mesa, expressed reservation on whether the project would solve cut-through traffic and supported improvements to sidewalks and street lights to enhance the downtown area.

Karen Peca, Costa Mesa, expressed disappointment that City representatives had ignored eastside residents' concerns and encouraged the Council to oppose the project.

Mayor Pro Tem Mansoor expressed his support indicating that it was "a good and necessary project." He noted the City's public outreach in addressing the concerns of the residents.

**MOTION: Approve and authorize the City Manager and/or City Attorney to make minor revisions based on final discussions with Caltrans; and authorize the Mayor and City Clerk to sign. Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Mayor Eric R. Bever.**

Council Member Dixon expressed reservations on the project stating that she would not support the motion and disagreed with the additional lanes to Newport Boulevard.

Council Member Foley agreeing with Mayor Pro Tem Mansoor expressed support of the motion.

Mayor Bever noted the Council's desire and the current efforts to find long-term permanent solutions regarding SR-55.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Council Member Linda W. Dixon

Absent: None.

## **VII. PUBLIC HEARING**

1. PUBLIC HEARING: Rehearing of the Review of the Planning Commission's determination for Planning Application PA-07-48, for Richard and Wendy Schones, authorized agents for Gary F. Schones, for variances from rear setback requirements (10 feet required; 3 feet existing), rear yard coverage requirements (25% maximum permitted, 76% existing) and open space requirements (40% required; 36% proposed); and an administrative adjustment for reduced side setbacks (5 feet required; 3 feet proposed), to legalize a garage and rear-unit at the property in conjunction with a minor design review for an existing single-family residence to exceed the recommended 80% second-to-first floor ratio (90% proposed) and a minor modification to allow first and second

story encroachments into the front setback (20-feet required; 16-feet proposed), located at 378 Costa Mesa Street, in an R1 zone. Environmental determination: exempt.

Senior Planner Mel Lee summarized the staff report and responded to questions from the City Council.

Silvia Marson, Costa Mesa, opposed the requested variances and felt that there were valid reasons for the applicant to comply with the requirements.

Gary Schones, applicant, in reference to a memo from the Senior Planner noted that the property complied with the 1961 zoning code requirements. He pointed out the support of adjacent neighbors and presented 65 letters in favor of the unit. He asked the Council to uphold their decision and grant the requested variances.

Wendy Schones, Costa Mesa, stated that legalizing the rear-unit would enable her to care for her parents in the future. She noted that the property could be brought to current building codes except for the variances.

Jan Schones, Costa Mesa, expressed support of the granny-unit.

Richard Schones, Costa Mesa, noted the 65 letters of support for the granny-unit; asked the Council to look at the eastside relative to non-permitted accessory units opining that their situation was not unique; and felt that consideration of the variances should be given, pointing out that he was open to minor reconfigurations of the rear-unit.

Discussion ensued among the Council and staff relating to a condition of approval for the restricted uses of the rear-unit and criterions to consider for the requested variances. Council Member Leece expressed support of the Council's original decision approving the rear-unit agreeing to add the stipulation on the uses.

**MOTION:** Uphold the City Council's decision from the Regular Meeting of March 18, 2008.

Moved by Council Member Katrina Foley, seconded by Council Member Wendy Leece.

Council Member Foley believed that these types of applications should be reviewed on a case-by-case basis pointing out that there were no impacts to the surrounding residents. The applicants agreed to add to the Condition of Approval No. 19, a deed restriction on the rental of the rear-unit.

**SUBSTITUTE MOTION:** Deny the planning application, as amended to provide that the variances and administrative adjustment to legalize the

detached two-car garage and rear unit are denied, but without prejudice; referred to the Planning Commission to review City codes for nonconforming uses and structures; and that no Code Enforcement action is to be initiated against the property owner with respect to the rear structure pending the Planning Commission's determination of the review of City codes.

Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Mayor Eric R. Bever.

Discussion ensued on the motion concerning the denial without prejudice and the review of City codes relative to nonconforming uses and structures. Mayor Bever withdrew his second as he felt that the motion was vague and did not lead to a resolution of the issue on hand.

He questioned the occupancy and building permits of the rear structure and expressed reservation on approving nonconforming legal or non-legal structures. He felt that it was a quality of life and safety issue, therefore should be referred back to the Planning Commission.

**SUBSTITUTE MOTION:** Refer to the Planning Commission for reconsideration of the rear-unit and detached two-car garage.

Moved by Mayor Eric R. Bever, seconded by Council Member Linda W. Dixon.

The substitute motion failed by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Linda W. Dixon

Noes: Mayor Pro Tem Allan R. Mansoor, Council Member Katrina Foley, Council Member Wendy Leece

Absent: None.

Council Member Foley questioned the necessity of reconsideration by the Planning Commission pointing out the conditions addressed issues of concern. Council Member Leece commented that she did not support requiring the owner to demolish the unit as determined by the Planning Commission. She felt it was a special circumstance and pointed out that the applicants have agreed to the non-rental restriction.

Council Member Foley noted that there were enough conditions of approval and findings in the resolution to support the variance request therefore could not support the motion.

Mayor Pro Tem Mansoor re-introduced his substitute motion. Council Member Foley requested that the filing fees be waived for a new Planning Application request. The Mayor Pro Tem and Council Member Dixon concurred.

**MOTION: Adopted Resolution No. 08-29, to uphold the Planning Commission's decision for denial of PA-07-48, as amended to provide that the variances and administrative adjustment to legalize**



the detached two-car garage and rear unit are denied, but without prejudice; and with the following stipulations:

(1) the applicants are allowed to proceed with the approved entitlements related to the second story addition to the main residence, (2) no Code Enforcement action is to be initiated against the property owner with respect to the rear structure, pending a review of the City codes for nonconforming uses and structures by the Planning Commission, and 3) that the applicant shall not be required to pay filing fees for a new Planning Application request.

**Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Council Member Linda W. Dixon.**

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Linda W. Dixon, Council Member Wendy Leece

Noes: Council Member Katrina Foley

Absent: None.

RECESS: The Mayor declared the meeting recessed at 8:14 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 8:30 p.m.

(Council Member Dixon left the meeting at 8:30 p.m.)

2. PUBLIC HEARING: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, ORDERING THE VACATION OF A PORTION OF ALLEY NO. 62 BETWEEN OLD NEWPORT BOULEVARD AND ALLEY NO. 61.

Public Services Director Peter Naghavi presented the staff report.

**MOTION: Adopt Resolution No. 08-30; authorize the Mayor and City Clerk to sign; and authorize the City Clerk to record the Quitclaim Deed.**

**Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.**

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Katrina Foley, Council Member Wendy Leece

Noes: None.

Absent: Council Member Linda W. Dixon

3. PUBLIC HEARING: Draft Santa Ana River Trail "Vision Study" providing recommendations for habitat restoration and passive activities and trail links along the Santa Ana River Trail on the City's westerly border.

Fairview Park Plan Administrator Robert Staples summarized the agenda

report.

Council Member Foley recognized the Santa Ana River Trail Blue Ribbon Committee Members, Parks and Recreation Commissioner, City staff, Anne Dove of the National Park Service, and Dana Rochat of the Wildlands Conservancy for their efforts on the Santa Ana River Trail Vision Study.

Dana Rochat, The Wildlands Conservancy, gave an overview of their corporation and presented a powerpoint presentation and virtual tour of the Santa Ana River Trail.

Anne Dove, National Park Service, made a presentation on the process of the Vision Study and gave an overview of the corridor including specific recommendations to the study.

Robert Graham, Costa Mesa, presented pictures of the bike trail located north of the Adam Street Bridge and suggested the Council open up the trails on the lower levy for a trial period of three months.

David Kinkade, Costa Mesa, thanked the Blue Ribbon Committee and City staff on the comprehensive study and requested to remove references to using the eastside of the Greenville Banning Channel.

Jay Litvak, Costa Mesa, expressed support of the trail and commented on the positive impact to the community.

Jeff Elston, Costa Mesa, spoke in opposition to the trail and asked that the neighborhoods' privacy and safety be considered.

Mary Ann Plunkett, Costa Mesa, recognized Robert Staples, Peter Naghavi, and the Wildlands Conservancy for the vision study; and thanked the Council for addressing the neighborhood concerns regarding access to the Banning Channel.

Milan Milenkovich, Costa Mesa, opposed access to the Banning Channel; suggested speed limits for bicyclists or to dismount bikes through the Adams Channel area.

John Fletcher Sandpiper, Costa Mesa, has utilized the trail for 15 years and supported the trails' use.

Linda Sandpiper, Costa Mesa, expressed support of the trail.

Patricia Johnson, Costa Mesa, thanked Peter Naghavi and Council Member Foley for their efforts on the study; asked that there be limited access strictly for maintenance to the Greenville Banning Channel.

**MOTION: Approve the final document, as amended, deleting the**

**reference relating to Greenville Banning Channel maintenance access road (page 38).**

**Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.**

Mayor Pro Tem Mansoor thanked City staff, The Wildlands Conservancy, Parks and Recreation Commission, and the Santa Ana River Trail Blue Ribbon Committee for the study; expressed his support of increased landscaping and safety, and better connectivity. He expressed his concerns relative to parking, public art, public transit corridors, management of the trail and safety measures, and noted his interest in receiving input from Costa Mesa residents.

**SUBSTITUTE MOTION:** Express appreciation to The Wildlands Conservancy (TWC) and the Santa Ana River Trail Blue Ribbon Committee; to keep the vision study document as a reference; and to note the support of the City Council for increased landscaping, better safety, and to improve connectivity.

Moved by Mayor Pro Tem Allan R. Mansoor. Motion died for lack of second.

The Fairview Park Plan Administrator responded to questions from the Council concerning the direction and finalization of the vision study.

The vote for the original motion was called for.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Mayor Pro Tem Allan R. Mansoor

Absent: Council Member Linda W. Dixon

RECESS: The Mayor declared the meeting recessed at 9:30 p.m.

AFTER RECESS: The Mayor reconvened the meeting at 9:35 p.m.

## **VIII. OLD BUSINESS**

1. From the meeting of April 1, 2008, Dissolution of the Fairview Park Friend/Fundraiser Committee.

Management Analyst Carol Proctor presented the report and responded to questions from the Council.

**MOTION: Adopt Resolution No. 08-31.**

**Moved by Mayor Eric R. Bever, seconded by Mayor Pro Tem Allan R. Mansoor.**

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Mayor Pro Tem Allan R. Mansoor, Council Member Katrina Foley, Council Member Wendy Leece  
Noes: None.  
Absent: Council Member Linda W. Dixon

## IX. NEW BUSINESS

1. General Plan Screening Request GPS-08-01 for 2501 Harbor Boulevard (Fairview Developmental Center).

Senior Planner Minoo Ashabi summarized the staff report, along with the Public Services Director and City Manager responded to questions from the City Council.

Robert Sterling, Fairview Developmental Center, responded to questions from the Council relating to the amount of affordable units and funding.

Dianne Russell, Costa Mesa, member of the Costa Mesa Housing Coalition, encouraged the Council to approve the plan stating that it would fulfill the Housing Element requirement for affordable housing.

Dave Layton, Costa Mesa, expressed reservation on the project and suggested general meetings with Costa Mesa Home Owners Associations concerning the development.

Beth Refakes, Costa Mesa, expressed concern as to the density of the project and traffic evaluation, and encouraged the Council to reconsider the density.

Council Member Foley expressed support in the development of affordable housing and asked for the review of the traffic ingress and egress for the project.

Mayor Pro Tem Mansoor expressed concern on the proposed density and noted that he would like to see a change in the direction of the project.

**MOTION:** Deny the General Plan Screening Request for processing; directed staff to contact the State Assembly Member and Senator requesting to work on an alternative proposal on a less-density transitional housing and open space for the site.

Moved by Mayor Pro Tem Allan R. Mansoor, seconded by Council Member Wendy Leece.

Council Member Foley disagreed with the motion and suggested approving the General Plan for processing.

**MOTION:** Approve the General Plan Screening Request for processing; and direct staff to review projects for high density (32 units per acre) and medium density (20-25 units per acre).

**Moved by Mayor Eric R. Bever, seconded by Council Member Katrina Foley.**

Mayor Pro Tem Mansoor requested to include in the motion to notify our State Assembly Member and State Senator of the proposed development and Council's concerns on traffic and density, Mayor Bever disagreed. The City Manager advised of long-term outreach with those agencies concerning the Fairview Developmental Center.

The motion carried by the following roll call vote:

Ayes: Mayor Eric R. Bever, Council Member Katrina Foley, Council Member Wendy Leece

Noes: Mayor Pro Tem Allan R. Mansoor

Absent: Council Member Linda W. Dixon

**X. REPORTS**

City Manager Allan Roeder reported on the Neighbors for Neighbors event held on April 12, 2008, at Fairview Park and recognized corporate, small business, and local groups for their participation.

**XI. ADJOURNMENT - The Mayor declared the meeting adjourned at 10:20 p.m. The next Regular City Council Meeting will be held on May 6, 2008.**

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Mayor of the City of Costa Mesa

ATTEST:

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City Clerk of the City of Costa Mesa