

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

**February 9, 2004**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., February 9, 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  
Marianne Milligan, Sr. Deputy City Attorney  
Ernesto Munoz, City Engineer  
Kimberly Brandt, Senior Planner  
Willa Bouwens-Killeen, Senior Planner  
Mel Lee, Associate Planner  
Wendy Shih, Associate Planner

**MINUTES:**

The minutes for the meetings of January 12, 2004 and January 26, 2004 were accepted as amended.

**PUBLIC COMMENTS:**

Anne Hogan-Shereshevsky, 2152 Elden Avenue, Costa Mesa, expressed her opposition to the 1901 Newport Boulevard project in that she felt the signs were almost invisible to the eye and that there are only 2; the project does not provide affordable housing that Costa Mesa direly needs; and she commented the project may be on a referendum on the November election ballet.

**PLANNING COMMISSIONERS  
COMMENTS/SUGGESTIONS:**

Chairman Garlich attended a memorial service for former Mayor Bob Wilson on January 31<sup>st</sup>. He expressed gratitude to the family for providing the community an opportunity to participate in that service. He said Mr. Wilson was known for helping Costa Mesa become a City.

He said he also had a chance to participate in the CostaMazing 50<sup>th</sup> Birthday Party Walk and Run at Fairview Park on Saturday. There were about 100 people in attendance and lots of high school students who volunteered their time to help with the event along with a great job done by Amy Kuchta and her staff from the Recreation Division.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS:**

**DRAFT ORDINANCE FOR  
MOBILEHOME PARK  
CONVERSIONS**

City

The Chair opened the public hearing for consideration of a draft ordinance replacing and expanding the City's Zoning Code regarding mobile home park conversions. Environmental determination: exempt.

Senior Planner Kimberly Brandt reviewed the information in the staff report and gave a presentation of the draft ordinance for mobile home park conversions. She said staff recommends that Planning Commission recommend to City Council, that first reading be given to the draft ordinance.

The Chair requested that the speakers not repeat former testimony but focus on new information.

Terry Shaw, 420 Bernard Street, Costa Mesa, believed that "Alternative A" could possibly cause bankruptcy under certain circumstances; "Alternative D" and "Alternative F" he considered positive changes. In response to a request from Commissioner Foley, Ms.

Brandt explained "Alternative G" in detail.

Irene Shannon, 1640 Newport Boulevard, Costa Mesa, clarified with staff, referencing Anchor and Stone Villa Recreational Vehicle Parks, that the licensing referred to is issued by the State of California and that the City of Costa Mesa considers these parks as mobile home parks. Ms. Brandt said the ordinance is including these two parks as mobile home parks. Ms. Shannon had concerns regarding the operation and maintenance of the parks during the transition period. She stated concerns regarding stress and noise of demolition and other things. Staff explained the procedures and enforcement provisions. Commissioner Foley stated there would be some type of posting requirement that will provide residents with such information as phone numbers and people they can contact if there is a problem.

Anne Hogan-Shereshevsky, 2152 Elden Avenue, Costa Mesa, spoke on behalf of the residents of El Nido and Snug Harbor Village mobile home parks and said she felt these people were being used wrongfully. She said the City has a mandate to provide affordable housing to people, especially seniors, and she has yet to see the City sponsor anything with affordable housing. She also congratulated Chairman Garlich for accepting membership to the Board of Directors for Senior Citizens.

Norah O'Malley, 1640 Newport Boulevard, Costa Mesa, said she was hopeful that the ordinance would pass but felt that it leaned very strongly toward the park owners.

Vickey Talley, 25241 Paseo de Alicia, Laguna Hills, was opposed to any portion of the current draft ordinance. She said that there is no need to adopt an ordinance when state law will suffice.

Don Hunter, said he was a homeowner's consumer advocate and that he strongly approves of the new draft ordinance before the Commission, and urged the City to adopt it. He took exception with Ms. Talley's consistent opposition of the ordinance. He felt the ordinance should be passed because there is some benefit to the residents and taxpayers of the City.

Chris Welsh, 2130 Santiago Drive, Newport Beach, said that the ordinance creates more ambiguities than it solves, and has created tension between landowners and the mobile homeowners. He opposed the "in-place value", the review process, the security deposit requirement, and the 12-month time limits.

In response to Commissioner Foley regarding Mr. Welsh's comment about the posting of a "closing" sign, Ms. Brandt explained that until Planning Commission takes action on the application, there should not be any posting of the site saying it's closing; it is also a courtesy to the residents within the park, and, that it does not give that appearance until it is approved. She pointed out that the draft ordinance contains a notice requirement to new homeowners stating that "at such time that the park owner files an application with the City, written notice of the application filing has to be given to a prospective tenant, and homeowners within the park so they know prior to signing any type of lease or rental agreement, that there is an application pending for the park."

There was discussion between Commissioner Foley, Ms. Brandt and Senior Deputy Attorney Marianne Milligan, with regard to state law, the permitting procedure, and responsibility of the park owner and the mobilehome owner, concerning added improvements by the tenant/mobilehome owner. Commissioner Foley also confirmed with Ms. Brandt that if a mobilehome owner had paid a security deposit at the time they left and had been reimbursed, it would be offset against any relocation mitigation.

Tom Carson, owner of Greenleaf Mobile Home Park, stated that the

ordinance is bad for the City of Costa Mesa because it doesn't help the people in El Nido or Snug Harbor, and it doesn't help those who are opposed to it. He felt that twenty years from now these homes would be worthless and no other parks within the radius would accept them. He said eventually this would force the park owners to pay market value and the park owners could not afford to convert. He said the 21 parks would become slums in 20 years. He said there is no incentive for the owners to improve the parks and there is no incentive for homeowners to improve their coaches.

With respect to the above testimony, there was discussion between Commissioner Foley and Ms. Brandt regarding deals with the developer to cover the costs of relocation, and the responsibility of the mobilehome park owners' obligation to comply with Title 20 of the Costa Mesa Municipal Code and code enforcement laws to prevent slums.

Richard Delaney, 881 Sneath Lane, San Bruno, said he is opposed to the ordinance and his primary objection is that he sees the taking of value because of the definition of "value in-place" and the process of selecting an appraiser.

There was discussion between Commissioner Foley and Ms. Brandt concerning the process of the ordinance and Mr. Delaney's suggestion. Ms. Brandt pointed out that it is the City's responsibility for selecting the appraiser for doing the appraisals on only those units that cannot be relocated.

Jeff Goldfarb, 611 Anton Boulevard, Costa Mesa, objected to the inclusion of recreational vehicles in the ordinance; objected to mitigation on "in-place" valuation; the ordinance should indicate that park owners wouldn't be responsible for relocating tenants when the tenants' own actions (i.e., bad credit and criminal record) result in being refused acceptance at another mobile home park. He also felt perhaps the ordinance should include a contract provision to allow a resident in a park to build a legal improvement, and the owners wouldn't have to compensate the tenant for it when the park converts.

In response to Chairman Garlich regarding Mr. Goldfarb's testimony, Ms. Brandt addressed the issue of residency for recreational vehicles as previously explained in her presentation. Ms. Milligan explained that on the issue of credit history and criminal record, she was unclear as to whether the City Attorney's office has considered it, but for the park closure, the person who has bad credit, would not have had to contend with relocating; a balancing between that homeowner's right to remain where he is and the park owner's right to close the park. She said on the issue of waiver-of-rights, she would not recommend including it in the ordinance itself; business owners are able to distinguish what can be contractually arranged with residents of the mobile home park. Commissioner Foley said if language is not included, then nothing in this ordinance restricts the mobile home owners and mobile home park owners from negotiating improvements. Ms. Milligan asked that before the Commission considers including that in the ordinance, she would like to check the Mobile Home Residency Law because it may restrict it.

Jean Stirling-Stevens of Newport Beach stated that many years ago mobile home parks were placed in locations where other viable uses did not exist. The homeowners' rents made it possible for the parks to flourish and the park owners to become very successful in business. These are not tenants, they are homeowners, and therefore there is a co-proprietorship essentially formed between the homeowner and the park owner. When the opportunity arises for a park owner to convert this park to another use, equity and fairness should be accrued to these homeowners. She thanked the Commission and

staff for all their efforts.

Sandy Johnson, 344 Cabrillo Street, Costa Mesa, said she was concerned that Anchor Trailer Park might be considered a travel trailer/RV park because people are moving from El Nido and Snug Harbor. She said that Mr. Goldfarb remarks about bad credit and records element, but the only thing she has heard is that the trailers are too old and cannot be moved and the receiving park will not accept mobile homes after a certain age; it has nothing to do with anyone's credit rating and the mobile home park they are in now would already be aware of it. She said it was a "smoke screen" on people who are losing their homes. She said she observed that Mr. Goldfarb spoke for his three minutes and got the benefit of having his questions answered while Ms. Shannon did not have the benefit of having her questions answered in polite manner.

Commissioner Foley thanked Ms. Johnson for clarifying that. She did however, point out that Vice Chair Perkins did ask what percentage of the time Mr. Goldfarb had run across bad credit or criminal records with respect to mobile home parks, she found it was very revealing that its only 3% to 5% of the time that has anything to do with the relocation issue. She said she want Ms. Johnson to understand that it is not a "smoke screen" for her.

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

Chairman Garlich thanked everyone who helped the Commission to get to this point. He said mobile home park residents and park owners, together with individuals and organizations representing their differing interests and points of view have significantly contributed to the body of thought that has gone into this draft ordinance and the alternatives that will be considered this evening. He said Ms. Brandt, Ms. Milligan and staff did an outstanding job of integrating information developed during the four previous public hearings. He also thanked his fellow commissioners for their diligence in reading, digesting, and debating this information.

**MOTION 1:**

Mobile Home Park Ordinance

- (1) Recommended to City Council
- (2) Pulled alternative language items for separate voting

A motion was made by Chairman Garlich, and seconded by Commissioner DeMaio, to (1) Recommend to City Council that first reading be given to the draft ordinance; and (2) Planning Commission would pull those items which need to be addressed separately, such as alternative language and other items that any Commissioner would like to have voted on separately. This motion was later called and carried 3-2 (Bever and Perkins voted no).

Commissioner Foley said she would not support the motion because she felt that staff's recommendations were sufficient.

**SUBSTITUTE MOTION:**

Mobile Home Park Ordinance

Failed for lack of second

A substitute motion was made by Commissioner Foley, to recommend that City Council give first reading to the draft ordinance with the changes made in the February 5, 2004 staff report supplement. The substitute motion failed for lack of a second.

Commissioner Bever said he has worked with the Commission and staff for a over month in the creation and fine details of this ordinance. He said staff and Planning Commission have worked diligently and he believed that "fair relocation" is important in that the state mandates that the City provide for that and it's already part of the code but he believed the ordinance overreaches and creates the possibility of over-compensation; it strays from the mandate of fair compensation into the arena of mobile home park preservation; it takes a difficult situation like Snug Harbor Village and El Nido closures, and it permeates all future mobile home park unit owners and park owner relations with tension and animosity. Another concern is that this process has been driven by emotion, but it should be based on reason; another concern is not to protect or preserve mobile home parks, nor is it to punish park owners but rather to assist in fair relo-

cation costs. If the City is intent on establishing such an ordinance, it should be done in absence to the emotion and animosity. The state mandates that we have an opportunity to create an ordinance to provide fair relocation, but he is hearing members of audience coming up and suggesting that equity sharing is appropriate. He said he would not be able to support this and suggested that the City's existing mobile home park conversion procedures be retained.

Chairman Garlich reminded Mr. Bever that if he was trying to make another motion, there was still another motion on the floor. Mr. Bever said he was not making a motion. The Chair commented that the premise of some of his remarks indicates he knows how this ordinance will turn out. Further, he said the ordinance is before the Commission now with a number of alternatives in it, and there are some areas he would also like to look at again. He advised Mr. Bever, it is not clear how the ordinance will turn out.

Commissioner DeMaio said he seconded the motion because of the amount of time, work and effort that has been put into this ordinance whether it passes or not. He believed the Commission owes it to staff and the citizens to take a very good look at this ordinance, page-by-page, one more time. The Chair said he made the motion in the way he did, in an attempt to provide a process so that the Commission can look at the issues in the ordinance that are contentious. He felt it would give the Commission a chance, individually, to have discussion and vote on, in order to accomplish something in the end that will represent the Commission's recommendations to Council.

Vice Chair Perkins stated that he won't be supporting this motion and that he knew the City Council mandated this ordinance through the Planning Commission, but they did not give Commission a time frame that it needed to be done. He said it is quick, but he thought the Commission could do some very good things tonight and also some very big damage in the future so he was not willing to take that risk.

The Chair advised Vice Chair Perkins, that the Commission has had five public hearings since October, and his comment that the Commission is rushing into it, is quite different from his own view.

Commissioner Foley agreed with the Chair and stated that she would support the motion because the Commission has to move forward tonight, and she believed the City needs an ordinance.

ORIGINAL MOTION CALLED: The original motion was then called by the Chair and carried 3-2, (Bever and Perkins voted no).

The items below were pulled from the draft ordinance, discussed, and voted on separately as follows:

MOTION 2:  
Alternative A  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Commissioner Foley and carried 4-1 (Bever voted no), to accept "Alternative A" language as follows:

~~(3) "Cessation of use of land as a park" means a decision by the owner(s) of a park to discontinue the use of property as a park which decision is not an adjudication of bankruptcy.~~

(4) "Closure of a park" or "cessation of use of land as a park" means a decision by the owner(s) of a park to discontinue the use of property as a park which decision is not an adjudication of bankruptcy. A closure of a park will be found to occur when the Planning Commission, in its absolute discretion and upon a finding of good cause, determines that the park owner has acted and/or has failed to act in a manner which would cause a reasonable person to conclude that the park owner intends to eliminate or reduce lots available for rent or lease to a homeowner, non-resident homeowner, and/or tenant the general public. Such acts or omissions include, but are not limited to, the withholding of available lots under the control of the park owner, and statements made by authorized agents and representatives of the park owner to prospective

buyers of the park that the park owner is closing the park, being closed by the park owner.

MOTION 3:  
Alternative B  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Commissioner DeMaio and carried 4-1 (Perkins voted no), to accept "Alternative B" language as follows

(8) "Conversion of a park." The term "change of use" is synonymous with "conversion" and is defined as any change which results in elimination of any lot, including but not limited to the removal of a lot for lease or rent to a homeowner, non-resident homeowner, and/or tenant with the intent of converting the park to another land use. A conversion of a park will be found to occur when the Planning Commission, in its absolute discretion and upon a finding of good cause, determines that the park owner has acted and/or has failed to act in a manner which would cause a reasonable person to conclude that the park owner intends to eliminate or reduce lots available for rent or lease to a homeowner, non-resident homeowner, and/or tenant. Such acts or omissions include, but are not limited to, the withholding of available lots under the control of the park owner and statements made by authorized agents and representatives of the park owner that the park owner is converting the park.

However, the following shall not constitute a conversion of a park:

- e. ~~During any one year period subsequent to the adoption of this article, no more than one vacant lot may be converted to other uses, provided all necessary governmental approvals, including an amendment to any conditional use permit or zoning is obtained from the city. However, upon application by a park owner, the Planning Commission may, in its absolute discretion and upon a finding of good cause, determine that a conversion of a park is not occurring notwithstanding that more than one vacant lot is converted to other uses.~~
- a. ~~A change in ownership to a limited equity cooperative, nonprofit corporation or condominium, provided more than fifty percent of the homeowners participated in the purchase of the park and all other homeowners residing in park are offered lifetime leases~~

A motion was made by Vice Chair Perkins to change the number of months for continuous residency from nine months to twelve months; Mr. Perkins withdrew his motion because the 9 months was taken from the state law.

MOTION 4:  
Item 11  
Failed to carry

A motion was then made by Commissioner Bever, seconded by Vice Chair Perkins and failed to carry 2-3 (Garlich, Foley and DeMaio voted no) to change the language to read: "...when the recreational is used as the occupant's primary place of residence while parked on a mobile home lot, as established by nine (9) months' continuous residency at that park."

Sr. Deputy City Attorney Marianne Milligan pointed out that this would be contrary to the intent of the provision, which is to capture those recreational vehicles that have been on recreational vehicle lots for 9 months or more. Mr. Bever said he understands the intent but did not agree with it. When Mr. Perkins questioned the motion without the 9-month period, Mr. Bever explained that it wasn't needed because if it is already parked in a mobile home lot, then it already qualifies.

During discussion on the motion, Commissioner Foley said she would not support the motion because she felt that we still need to protect the two RV parks in the City that have continuous, long-term residency as do the mobile home parks. Commissioner Bever said he would take issue with that because the Commission would be changing a person's business status in midstream and he did not believe it was fair. The Chair also did not support the motion because he said the Commission has been searching for a way to provide reasonable mitigation for people who think they are living in a mobile home and would be treated as mobile home owners. He said the park owner then has the option of requiring that these people relocate every 9

months to avoid the impact of this part of the definition in the ordinance. Commissioner Bever said people will be kicked out on the street and he did not believe that was the intent. The Chair pointed out that this is very similar to the ordinance on motels requiring people to check out every 28 days to avoid similar types of restrictions.

MOTION 5:  
Item #11  
Approved definition

A motion was made by Commissioner Foley, seconded by Chair Garlich, and carried 3-2 (Bever and Perkins voted no) to retain the definition as written by staff in the supplemental memorandum dated February 5<sup>th</sup>.

MOTION 6:  
Alternative C  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Commissioner DeMaio, and carried 4-1 (Perkins voted no) to accept "Alternative C" language as follows:

- (6) The total number of homeowners, non-resident homeowner, and tenants, ~~broken down by lot number and~~ identified as: owner or renter occupancy, ownership of the mobilehome, principal- or second-home occupancy, residents under sixteen (16) years of age, residents sixty-two (62) years of age or over, and the number of residents who have needs that require special consideration in relocation, included but not limited to being are handicapped, disabled, and/or including the chronically ill etc.

MOTION 7:  
Alternative D  
No vote taken

A motion was made by Chairman Garlich, seconded by Commissioner DeMaio, to accept "Alternative D" language. A substitute motion was made (see below) and this motion was cancelled by the substitute motion.

SUBSTITUTE MOTION:  
Alternative D  
Recommended to City Council

A substitute motion was made by Commissioner Bever, seconded by Commissioner Perkins, and carried 3-2 (Foley and DeMaio voted no) to recommend City Council accept "Alternative D" language as follows and to include modification of the 30-mile radius to a "50-mile" radius; and to replace the 50-mile radius with a "75-mile radius" and make similar modifications throughout the ordinance where referenced:

- (8) A list of known available lots in a comparable park within a ~~thirty (30)~~ fifty (50)-mile radius, including any written commitments from park owners willing to accept displaced mobilehomes, a description of each park, including the number of lots, number of vacancies, lease rates and terms, policies and restrictions on the type of mobilehomes and residents accepted, amenities offered and proximity to services (bus stops, grocery stores, hospitals, etc.). The list shall identify and take into account the effect of other pending mobilehome park closures within the same ~~thirty (30)~~ fifty 50-mile radius.

If lots in a comparable park are not available within a ~~thirty (30)~~ fifty (50)-mile radius the relocation impact report shall also include:

- a. Information on the location and rental rates of available lots in a comparable park within a ~~fifty (50)~~ seventy-five (75)-mile radius from the park;
- b. Information on the rental rates and moving costs involved in moving to a condominium, apartment or other rental unit within a ~~thirty (30)~~ fifty (50)-mile radius."

There was clarification between the Commission and Ms. Milligan, that the above numbers would be used globally throughout the ordinance. In response to Commission Foley, Ms. Brandt agreed to include a radius map showing the new 50- and 75-mile radii when presented to City Council.

MOTION 8:  
Alternative D1  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins, and carried 5-0 to accept "Alternative D1" language as follows:

(c) Homeowner/non-resident homeowner acceptance of relocation lot in a comparable park. If a homeowner's/non-resident homeowner's mobilehome can be relocated pursuant to Table 13-200.87, relocation mitigation number 1, the homeowner/non-resident homeowner shall notify the park owner of the comparable mobilehome park in which a replacement lot

is available that he/she has selected for relocation. This notification shall occur no later than 60 days prior to the close of the 6-month termination of tenancy time period specified in Section 13-200.88. If the homeowner/non-resident homeowner rejects the replacement lot(s) provided by the park owner pursuant to Table 13-200.87, relocation mitigation number 1, that rejection will terminate the park owner's obligations to provide a replacement lot for the homeowner/non-resident homeowner. In this instance the park owner's remaining relocation mitigation obligation is limited to:

- 1. Payment of the cost of physically moving a mobilehome to a new lot within a ~~30~~ 50-mile radius; and
- 2. Payment of moving costs associated with moving all personal property within a ~~30~~ 50-mile radius.

MOTION 9:  
Alternative E  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins, and carried 5-0 to accept "Alternative E" language as follows:

- 1. Provision of a replacement lot in a comparable park within a ~~30~~ 50-mile radius. If a replacement lot is available in more than one comparable park, the homeowner/non-resident homeowner shall select the comparable park to which his or her mobilehome will be relocated. The following exceptions shall apply:
  - a. The provision of a replacement lot shall extend to a ~~50~~ 75-mile radius, with the consent of the homeowner or non-resident homeowner, if a replacement lot is not available within a ~~30~~ 50-mile radius but is available within a ~~50~~ 75-mile radius; or
  - b. A replacement lot is available in a comparable park within a ~~30~~ 50-mile radius, but the homeowner or non-resident homeowner secures a replacement lot in another park located beyond or within the ~~30~~ 50-mile radius; or
  - c. A replacement lot is not available within a ~~30~~ 50-mile radius but is available within a ~~50~~ 75-mile radius, but the homeowner or non-resident homeowner secures a replacement lot in a park located beyond the ~~50~~ 75-mile radius.

MOTION 10:  
Alternative F  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Dennis DeMaio and carried 5-0, to accept "Alternative F" language as follows:

- 2. Payment of the cost of physically moving a mobilehome to a new lot. Moving costs shall include tear down and setup of a mobilehome, the utility service connection fees, including telephone and cable television (only when the homeowner/nonresident homeowner currently has such service), and moving and setup of legally installed improvements such as porches, skirting, carports, patios, and other moveable improvements legally installed by the homeowner or non-resident homeowner. For those improvements legally installed by the homeowner or non-resident homeowner that cannot be moved, the park owner shall also be responsible for the cost of reconstructing these improvements if permitted at the new lot. If those improvements are not permitted at the new lot, the park owner shall pay the homeowner/non-resident homeowner fair compensation for those improvements. In the exceptions described above in #1b and #1c, the homeowner or non-resident homeowner will be responsible for the additional costs incurred to move beyond the applicable distance.

During the motion Commissioner Bever said he had concerns regarding the unit owner who does not currently have telephone and cable television, or other utilities, because it puts an unreasonable cost on the park owner. Commissioner Foley suggested a modification as shown above and the Commission agreed.

MOTION 11:  
Alternative G  
Recommended to City Council

A motion was made by Chairman Garlich, and seconded by Commissioner Bever to recommend to City Council, acceptance of "Alternative G" with the following modifications: This motion was and later carried 3-2 (Perkins and Foley voted no).

- 5. Payment of a lump sum based upon consideration of the off site market value of the mobilehome, and it shall be no less than the costs identified in Mitigation #2, if the mobilehome could have been relocated to a comparable park within a 50-mile radius, plus the rent differential during the first year of tenancy between the closing park and a comparable mobilehome park within the 50-mile radius; and
  - a. No more than the on-site, fair market value.



Upon receipt of this payment, the homeowner or non-resident homeowner shall relinquish the title of the mobilehome to the park owner.

The Chair stated he could not come to a conclusion that there is a justification within the definition of reasonable cost of relocation to include the on-site “fair market value.”

He explained that this would basically say the mitigation would be either the off site value of the mobile home or the equivalent costs of relocating a unit if it could have been relocated, whichever is greater.

In response to a question from Commissioner Foley regarding when the payment of a lump sum would be triggered under the relocation mitigation plan, Ms. Brandt clarified that this relocation mitigation will be triggered when a mobile home cannot be relocated. Commissioner Foley said in terms of determining when a mobilehome will not be relocated, what are the conditions. Mr. Brandt explained that as part of the “Relocation Impact Report” preparation, that the consultant preparing the report will be responsible for identifying which mobile homes cannot be relocated, and submitting a statement containing the reasons why. Commissioner Foley clarified that this is not the “general rule”, but an exception, and it is not up to the person being relocated. Ms. Brandt explained that if there is a comparable mobile home park within the [now] 50-mile radius, to which a mobile can be relocated to, the park owner is responsible to securing that lot and the homeowner is required to move. Commissioner Foley confirmed that if they do not move, they would not get the relocation benefit. Ms. Brandt stated that there is a new provision included within the text that states if a homeowner chooses not to move, and what obligations the park owner has. Commissioner Foley asked if the mobile home cannot be relocated, but the person can be relocated, would they still be eligible under “Alternative G” for the lump sum market value—for example, an apartment is secured by the park owner. Ms. Brandt explained that if the mobile home cannot be relocated but the person is going to be located in an alternative housing, it is under that situation that they would be compensated with the lump sum payment.

During the motion Commissioner Bever said he had concerns regarding the unit owner who does not currently have telephone and cable television, or other utilities, because it puts an unreasonable cost on the park owner. Commissioner Foley suggested a modification as shown above and the Commission agreed.

In response to a question from Commissioner Bever regarding the term “comparable” when associated with park, amenities, costs, etc., would that not imply that the rent would be comparable and therefore, rent differential would be a moot point, Ms. Brandt explained that this is one of the considerations when looking at a comparable *park*. If you have a home owner whose home cannot be relocated and they are moving into an apartment, there is the potential for a higher rent because they are now renting both the land that they are sitting on, as well as the unit that they are occupying, whereas before, their rent only accounted for the land.

In response to a question from Commissioner Bever regarding addressing valuation of a unit that has no saleable value, Ms. Brandt pointed out that in this alternative language, there is a minimum payment (in the instance where the unit itself had a minimal value), that at least the compensation would be comparable to the transportation costs that would be associated with a similar unit that could be relocated which is included in subparagraph “a.” which Chairman Garlich included as part of the motion; that would be the moving costs and the rent differential so that the minimum payment would be equal to that; for the movement of the vehicle itself. Chairman Garlich clarified that when he uses the term “off site value”, he means

associated with “blue book value”, or “replacement value” as opposed to the on site value which considers land and location. Commissioner Bever said he has some concern with paying somebody the cost of moving their valueless structure, but could understand paying to move their possessions and perhaps paying a rent differential.

In response to question from Commissioner Foley regarding “off site value”, Ms. Brandt explained that there is no codified definition, however, as Chairman Garlich has indicated it would be similar to a “blue book value” or any other comparable type of valuation resource. Chairman Garlich explained that it’s the price you would pay for it on a used mobile home lot. Further, he said the thought behind that is that if for any reason, a person has a mobile home that cannot be relocated, perhaps because its too old but its very livable, whatever the off site value is would give them an opportunity to go buy something just like it somewhere else that’s already in place if it was on the market.

SUBSTITUTE MOTION:  
Alternative G  
Withdrawn

A substitute motion was made by Vice Chair Perkins to delete “Alternative G” in its entirety. Chairman Garlich pointed out that if this alternative is deleted, the original draft ordinance language would go to Council which allows the “fair market value.” Vice Chair Perkins withdrew his motion.

Commissioner Bever said he thought Commissioner Perkins was trying to make a motion that Section 5 under Relocation Mitigation be deleted entirely in its original form and in Alternative G. Vice Chair Perkins agreed.

Chairman Garlich stated that the motion is still on the floor that Commissioner Bever seconded and he asked him if he would like to withdraw his second. Commissioner Bever said no. Chairman Garlich stated that he was out-of-order.

SUBSTITUTE MOTION:  
Alternative G  
Withdrawn

Vice Chair Perkins made a substitute motion to delete both the alternative and the original language. Commissioner Bever said he did not understand that. Vice Chair Perkins responded that Commissioner Bever gave him the motion. The Chair asked for a point of clarification and asked Vice Chair Perkins if this means that in the case where a mobile home cannot be relocated, he does not want there to be any mitigation, which is the effect of his motion. Vice Chair Perkins said there could still be mitigation, but it doesn’t have to be in the payment of a lump sum. The Chair explained if that is the case, he would need to substitute some language. Ms. Milligan explained that an unrelocatable home would get nothing. Vice Chair Perkins said that was not the direction he wished to go in.

*ORIGINAL MOTION CALLED:*

The Chair called the original motion as shown above (motion #11), which carried 3-2 with Perkins and Foley voting no.

Commissioner Foley said she did not support the original motion because in visiting their homes, what’s happened with the closure of the park, it’s turning from someone having a place to live for the duration of their life as long as they pay the rent every month and now, with the park closing, they’ve been turned into renters unless they have the means to purchase another home and a lot of the residents do not have the means to purchase another home.

Vice Chair Perkins said that he concerned that now the landlord has to play by a certain standard in order to relocate these individuals and some people believe the tenants don’t have to play by that standard and he felt it was an unfair balance and lump sum payment, and that is the reason he voted against this motion.

In response to Commissioner Foley’s comments regarding people have an expectation to live out their days in their mobile home, and Commissioner Bever understands from an emotional standpoint, her point. However, barring some kind of a long-term lease, a promis-

sory note, or a contractual agreement with the park owner, she cannot make that expectation. Commissioner Foley said it is not based on emotion, and is based on reason and state law, and the intent of the state law was to protect against this very issue of people being moved out of their homes. She said her reason was based on reason and intellect, and a different analysis of the statute than Commissioner Bever has. She said she is coming from what she believes is fair and rational. Chairman Garlich said he has struggled with this “in-place market value” and comparing it to the criteria of not exceeding the reasonable costs of relocation, and he could not think of a circumstance where there is a need to have that provision in the code. He said he agreed that it does transfer that value of the land from the landowner to the mobilehome owner and from a property rights standpoint, he did not agree with that.

Commissioner Foley added that nothing the Commission does here, prevents the property park owner from negotiating with the tenants and giving them a lump sum payment so they can get out earlier.

Commissioner Bever said he didn’t read anything in the ordinance that does open it up to direct negotiation. Chairman Garlich said it is not precluded. He asked if the Commission could put some language in the ordinance that allows direct negotiation. The Chair explained that the negotiations would be between the property owner and the tenant. In response to another question from Commissioner Bever concerning the possibility that it has to run through this process if there is to be some kind of a mitigation rather than there being the possibility of having individually negotiated mitigations, Commissioner Foley explained that in this type of situation, as in any other situation, if you want to give more than what the law requires, you can, but not less. Ms. Milligan agreed and said she would hesitate to put any of the waiver provisions in without taking a look at the Mobile Home Residency Law to see whether it would be legal.

MOTION 12:  
Alternative H  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Commissioner Perkins and carried 5-0 to accept “Alternative H” as follows:

7. ~~Payment of a lump sum to compensate for any rent differential between the rental rates at the closing park and the new comparable mobile-home park during the first year of tenancy. The total payment shall not exceed the lesser of the following:~~
  - ~~a. The rent differential between the rental rates at the closing park and the new mobilehome park or alternative rental unit.~~
  - ~~b. The rent differential Fair Market Rents for Section 8 Housing Assistance Payments Program for the Orange County area as established by the U.S. Department of Housing and Urban Development. In addition, the payment shall be based on the number of bedrooms in the mobilehome that cannot be relocated. Specifically, a one (1) bedroom mobilehome shall be compensated based on a one (1) bedroom unit fair market rent, a two (2) bedroom mobilehome based on a two (2) bedroom unit fair market rent, etc.~~

Column 2 Modification:

Mobilehome will not be relocated: ~~Yes~~ No

During discussion on the motion, Commissioner Foley inquired about what “Alternative H” modifies from the original draft. Ms. Brandt stated that the change proposed is just a simplification of the original language and takes out, any reference to a rent differential at an apartment situation. She said there are different viewpoints if there is a compensation for the unit that also includes the rent differential and “Alternative H” is reflective of that viewpoint. In the instance where the mobilehome would not be relocated is changed to a no as opposed to a yes and there is no need to discuss rent differentials and fair market rents because there is just discussion on comparable parks and not trying to anticipate an apartment situation.

The Chair said with respect to Item #8, he pulled the item because it

seemed that the process that in the interim of a conversion, before a resident/homeowner would have to relocate would be a period of a year or more and he felt that by that time, if a person knows for a year or so that they are going to have to relocate, it seemed to him, they have the time to save the money to pay these kinds of fees as opposing to save it afterwards to pay back a loan. He said he is also of the opinion that these deposits not either always required or are very large.

MOTION 13:  
Item #8/Handwritten page 20  
Recommended to City Council

A motion was made by Chairman Garlich, seconded by Commissioner Perkins and carried 3-2 (Foley and DeMaio voted no), to recommend to City Council, Relocation Mitigation #8 on handwritten page 20 regarding loans for security deposits, be deleted from the draft ordinance.

Commissioner Foley asked if the Chair was not requesting as mitigation, any security deposit. The Chair said that was correct.

Ms. Brandt announced to the public that this item would be scheduled for consideration by the City Council on April 5, 2004.

MOTION 14:  
Waiver of Improvements between  
park owner and resident  
Response request approved

A motion was made by Commissioner Foley, seconded by Chair Garlich and carried 5-0 to request the City Attorney's office to look into language regarding 'Waiver of Improvements between park owner and resident' in conjunction with the draft ordinance.

Commissioner Foley added that nothing the Commission does here, prevents the property park owner from negotiating with the tenants and giving them a lump sum payment so they can get out earlier.

*BREAK:*

The Chair called a recess and the meeting resumed at 9 p.m.

APPEAL OF MINOR DESIGN  
REVIEW ZA-03-87

The Chair opened the public hearing for consideration of Minor Design Review ZA-03-87 for Richard Natland, authorized agent for Philip Larson, to construct a 1,280 sq. ft., second-story apartment unit with a loft behind a single-family residence, located at 243 Knox Street in an R2-MD zone. Environmental determination: exempt.

Larson/Natland

Senior Planner Willa Bouwens-Killeen reviewed the information in the staff report and gave a visual presentation of the site characteristics. She also reviewed modifications the applicant made within the past week. She stated that even with these modifications, staff is still concerned that the resulting structure would of a greater mass and visual prominence that is not in keeping with the immediate neighborhood and therefore, staff recommends upholding the Zoning Administrator's denial, by adoption of Planning Commission resolution.

Commissioner Bever asked Ms. Bouwens-Killeen, if the recommendation takes into account the fact that these types of remodels are on the upswing in that the Commission is required to consider future development. Ms. Bouwens-Killeen stated that staff's overwhelming concern at this time is that immediately surrounding this site, are shallow-roof, single-story homes, and because of the proposed loft in this apartment, even though the building will satisfy the 27-foot maximum allowed by code, it is still higher than necessary to support just an apartment without a loft over the garage/car port/laundry room combination. In response to a further question from Commissioner Bever regarding decreasing the roof height, Ms. Bouwens-Killeen indicated that staff would be more comfortable with this unit if such a modification were made.

In response to a question from Commissioner Foley, Ms. Bouwens-Killeen stated that 3 letters were received with 2 in support of the project and 1 letter of protest (later corrected to 3 letters in support) of the project.

Philip Larson, 243 Knox Street, Costa Mesa, discussed the history behind his request and the reason why he desired the additional unit.

He also discussed the changes in parking requirements over the past 21 years since he moved to the City of Costa Mesa. Because the staff report called his project too boxy, he reviewed the numerous changes he made to his plans. He rebutted the City's claims that his neighborhood is predominately one-story and directed the Commission's attention to the survey he submitted. He said that his immediate neighbors wrote letters and called the Planning Division saying they are supportive of his plans. He said the three letters he turned in were all in support of his plans.

In response to the Chair, Mr. Larson agreed to the conditions of approval.

Peter Boyd, 246 Palmer Street, Costa Mesa, stated that his property is one house south and one lot east of Mr. Larson. He said he examined his plans and consulted him on first consideration of doing this project. Mr. Boyd said he approves of these plans. He said he authored one of the support letters to the Planning Division he felt this project should be allowed to go through. He said people should be encouraged and given the opportunity to build on their property and this project is consistent with the zoning.

Bruce Newberry, 239 Knox Street, Costa Mesa, stated that he lives on the other side of Mr. Larson and the last time he came before Planning Commission, 20 years ago, the original owner tried to build an apartment over a garage and was voted down for the same reasons as being discussed this evening. However, the neighborhood has changed drastically since then. He said when Mr. Larson started his project he asked him what he thought, and he told him he didn't like it, but they talked about it. He said Mr. Larson listened to his concerns and drew his plans accordingly; he came back and showed them again. He said all of his objections were covered, and gave his support for the project.

Commissioner Foley confirmed with staff that this property and all the property around it is zoned medium-density residential.

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

MOTION:  
ZA-03-87  
Reversed Zoning Administrator's  
Decision

A motion was made by Vice Chair Perkins, seconded by Chairman Garlich and carried 5-0 to reverse the Zoning Administrator's decision and approve minor design review ZA-03-87, by adoption of Planning Commission Resolution PC-04-15, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B", as modified below:

Findings:

- A. The information presented ~~does not~~ substantially ~~comply~~ complies with Costa Mesa Municipal Code Section 13-29(g)(14) in that the project ~~does not comply~~ complies with the City of Costa Mesa Zoning Code and ~~does not meet~~ meets the purpose and intent of the Residential Design Guidelines. ~~which are intended to promote design excellence in new residential construction, with consideration being given to compatibility with the established residential community. Delete: The visual prominence associated... the majority of the neighborhood. The second floor average side setback required by City's Residential Design Guidelines is substantially satisfied with the amendments to the plan; this property is zoned R2 Medium-Density; many of the properties in this area have been remodeled and this proposal is less massive than many others in the area.~~

During the motion, Vice Chair Perkins said he made this motion because he has been in contact with Mr. Larson for some time. He said he felt what he is trying to do is a good thing. He said increases in density would happen in Costa Mesa, and on a "case-by-case" basis,

he has shown a willingness to work with staff and the Planning Commission. He felt the design fits in that area.

Chairman Garlich said he supports the motion because he believes Mr. Larson has made a good faith effort to comply with the design guidelines. He said he agrees that 8.8 and 10.5 meet the intent of those guidelines. He said he also believed with a 50-foot wide lot, it becomes difficult to try to satisfy all of the requirements. He said he did not believe that the citation of “predominantly single-story” properties is a criterion to deny the project.

Commissioner Foley said she also supports the motion and requested a finding be added stating that the second-floor average side setback by the City’s Residential Design Guidelines is substantially satisfied with the amendments to the plan; this property is zoned medium density; most of the properties there have been remodeled and this application is less massive than many of the others in the area. The maker of the motion and second were in agreement.

The Chair explained the appeal process.

ONE-YEAR EXTENSION OF  
TIME FOR PLANNING APPLI-  
CATION PA-01-34/TENTATIVE  
TRACT MAP T-16070

Wallace/Krueger

The Chair opened the public hearing for consideration of a one-year extension of time for Planning Application PA-01-34/Tentative Tract Map T-16070 for Steve Krueger, authorized agent for Greg Wallace, for a design review to construct an 18 unit, two to three story, small-lot, common interest development with variances from front setback requirements (20 ft. required; minimum 10 ft. proposed); from rear setback requirements (20 ft. required; 10 ft. proposed); from building height requirements (2 stories, maximum 27 ft. height allowed; 3 stories, 34 ft. proposed) chimney height requirements (29 ft. allowed; 37 ft. proposed); and setback for a 6 -foot block wall and for common front landscape area (10 ft. required; minimum 4.5 ft. proposed) with an 18-lot and 2 common lot tentative tract map to facilitate the project, located at 2100 and 2130 Canyon Drive, in an R2-MD Zone. Environmental determination: Previously adopted Negative Declaration.

Commissioner Bever excused himself from this item because he resides within 500 feet of this project.

Senior Planner Willa Bouwens-Killeen reviewed the information in the staff report and gave a visual presentation of the site characteristics. She said staff recommends a one-year extension of time until January 13, 2005 by adoption of Planning Commission resolution, subject to conditions.

At the request of the Chair, Ms. Bouwens-Killeen explained the following statement in the staff report “the Planning Application is for a project specific case and does not establish a precedent for future development.” She stated that Planning staff reviewed this project based on what is occurring on this lot and this lot alone. It does not say that the same variances will be automatically approved at a later date for another property in the area.

Steve Krueger, authorized agent for the applicant, 14482 Beach Boulevard, Westminster stated that he reviewed the conditions of approval and agrees to them. He requested that the Planning Commissioner grant the one-year extension of time.

In response to a question from Vice Chair Perkins regarding the tract map still being good for another year, Mr. Krueger said he believed one year would be adequate on the extension request.

Eric Bever, 1046 Westward Way, Costa Mesa, spoke as a citizen in support of extending Mr. Krueger’s extension. He said the property borders the homeowners association where he lives and Mr. Krueger has worked diligently, and with good will towards the neighborhood.

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

MOTION:  
One-Year Ext. of Time  
Approved

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 4-0 (Bever abstained), to grant a one-year extension of time to expire on January 13, 2005, by adoption of Planning Commission Resolution PC-04-16, based on analysis and information contained in the Planning Division staff report and findings in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

PLANNING APPLICATION  
PA-03-50

Ochoa/Saucy

Planning Application PA-03-50 for Ron Hoover, authorized agent for Temin Sacuy and David Ochoa for a design review, to construct three detached, two-story units on a site with an existing detached two-story dwelling unit, with a variance to determine Mesa Drive to be the front of the development lot, located at 191 and 199 Mesa in an R2-MD zone. Environmental determination: exempt.

Associate Planner Mel Lee stated that the applicant needs additional time for the project variance to be noticed and said staff recommends a continuance to the Planning Commission meeting of February 23, 2004.

No one else wished to speak.

MOTION:  
PA-03-50  
Continued

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins, and carried 5-0 to continued this item to the Planning Commission meeting of February 23, 2004.

PLANNING APPLICATION  
PA-03-51

Mesa Verde Utd. Methodist/Lentz

The Chair opened the public hearing for consideration of a Planning Application PA-03-51 for Paul Lentz, authorized agent for Mesa Verde United Methodist Church, for a master plan amendment to allow the addition of a 4,381 sq. ft. classroom/administration building, a 600 sq. ft. shop/storage building, and a 780 sq. ft. addition to the fellowship hall for Mesa Verde United Methodist Church located at 1701 Baker Street in an I & R zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics. He said staff recommends approval by adoption of Planning Commission resolution, subject to conditions. He said staff has added condition of approval #10 requiring the detached building be constructed of materials similar to the other buildings on the site, and that the door for the building be oriented away from residential properties.

Paul Lentz, authorized agent for the applicant, 3111 Second Avenue, Corona del Mar, agreed to the conditions of approval including the revised condition of approval #10.

Vice Chair Perkins asked approximately how many times a year the shop structure would be occupied. Mr. Lentz said this structure was conceived as a place where the congregation could perform activities in support of special performances or events that occur, and it is anticipated that work will be conducted in the shop building 3 to 4 times a year.

Beth Refakas, 320 Magnolia Street, Costa Mesa, said she would be concerned about there being any hammering noises or noisy work such as drilling during early morning and late evening hours, since its near residential property. She also said the other issue is if this is located close to residential property, she would like to see something added where there is no light spillage.

Commissioner Bever said he wanted to clarify that he was not against seasonal use.

Mark Korando, Chair of the Building Committee for the Mesa Verde United Methodist Church, clarified that they did not anticipate any manufacturing operation or anything that would impact the neighborhood. He said they would be operating the facility as they always have in compliance with the noise ordinance of the City of Costa

Mesa. He said any lighting would be for security issues only. He said they are very aware of their neighbors, have had no complaints registered against this operation, and none are anticipated in the future.

In response to the Chair regarding lighting, Mr. Lee stated that there is a standard code requirement that lights do not shine on adjacent properties.

In response to a question from Commissioner Foley regarding the absence of local residents usually heard from regarding the other side of the street, Mr. Korando stated that they have had no negative comments from neighbors. He said they sent out 2 letters informing the surrounding community what the plans were and invited them to see what was planned and there was no response.

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

MOTION:  
PA-03-51  
Approved

A motion was made by Commissioner Bever, seconded by Perkins and carried 5-0 to Approved by adoption of Planning Commission Resolution PC-04-17, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modification:

Conditions of Approval

- 10. The 600 square-foot detached building shall be ~~utilized for storage only (no shop work such as sawing or drilling shall be permitted).~~ The building shall be constructed of materials similar to the other buildings on the site (i.e., stucco, wood, or brick). A ~~walk-in roll-up door (as opposed to a metal roll-up door)~~ with insulated panels shall be provided, and the door shall be oriented away from adjacent residential uses to minimize any noise impacts to adjacent properties.

The Chair explained the appeal process.

PLANNING APPLICATION  
PA-03-57  
Young

The Chair opened the public hearing for consideration of Planning Application PA-03-57 for Katherine Young, for a minor conditional use permit to allow outdoor seating and conditional use permits for limited dancing with existing live entertainment and for off-site parking for Bamboo Terrace Restaurant, located at 1773 Newport Boulevard in a C2 zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a visual presentation of the site characteristics. She said staff recommended approval by adoption of Planning Commission resolution, subject to conditions.

There was discussion between Commissioner Bever and Ms. Shih regarding suggested fencing by the Police Department. Ms. Shih advised that this is a "recommendation" from the Police Department and it will be forwarded to the applicant for consideration.

Katherine Young, 1773 Newport Boulevard, Costa Mesa, who has operated the Bamboo Terrace for 33 years, said she is very happy with staff's recommendation, and she agreed to the conditions of approval.

In response to a question from the Chair regarding the hour dancing could start at the establishment, Ms. Shih explained the hour to begin dancing was amended from 10 p.m. to 9 p.m. when additional parking became available on 18<sup>th</sup> Street; there would now be excess parking for nighttime uses.

Tom Yelnick, 1777 Newport Boulevard, Costa Mesa, stated that he and his partner completely support the Bamboo Terrace in pursuing the parking, etc. He said they just signed a lease to put together a fine dining restaurant and will be asking to share in the same parking.



Beth Refakas, 320 Magnolia Street, Costa Mesa, said she believed there are some residents who live in apartments behind that barber-shop on the edge of the parking lot.

In response, Mr. Valentine stated that there are residences above the shops at the immediate southwest corner of 18<sup>th</sup> Street and Newport. There is some parking on site, but he was not sure if they were using some additional off-site parking.

Ms. Refakas said her main concern was that there would be people in that parking lot at 1 or 2 in the morning and it seemed to her that it would be disruptive to the tenants.

Commissioner Foley pointed out that there is a condition of approval (#2) indicating that if the City receives any parking complaints that the applicant shall submit a parking management plan.

Alayne Rasch, 1789 Anaheim Avenue, Costa Mesa, said she has lived in this neighborhood for 16 years and owns a duplex at 18<sup>th</sup> and Anaheim. She explained that she came to speak on this item because this past fall, she walked down the frontage road on a Saturday night and was astounded at how many young people were on the frontage road, in the parking lot at Kragen Auto, and just kind of drifting back and forth. She said the parking lot at Kragen Auto was completely filled with cars, as was the adjacent parking lot to the police station and across at the park. This was a weekend and she could hear that noise inside her home, and it was loud enough and continued long enough for her to walk down and check it out. She said she is wondering what this additional partying at the Bamboo Terrace would bring to the area. She said she is about 2-1/2 blocks away. She expressed concern about the people living on Park Drive. She was also concerned about the possibility of an additional restaurant. Ms. Rasch also relayed a past occurrence some 8 years earlier that she thought might have been loudspeaker music coming from the Bamboo Terrace.

Ms. Young returned to the podium to say that had Ms. Rasch come to her and reported the problem, she would have taken care of it immediately, but she never knew anything about it. She said on occasion some of her neighbors might have some music but it was rare.

MOTION:  
PA-03-57  
Approved

A motion was made by Vice Chair Perkins, seconded by Chairman Garlich and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-18, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following addition:

Conditions of Approval

8. A six-month review shall be conducted by Planning Division staff to identify any problems at the site in conjunction with the applicant's request for increased hours of operation.

Vice Chair Perkins said he made the motion because Ms. Young has shown a great willingness to retain her watch on things and he felt she would do well with her project.

Commissioner Foley asked for a 6-month review by staff to be included in the conditions (as shown in the motion above). Vice Chair Perkins and the second agreed.

Commissioner Foley stated that because the Commission has been informed of an upcoming restaurant application this evening, that would be located in the same area as the previous application, she requested that staff research the parking on a weekend to determine whether its feasible. Mr. Valentine stated that it was an excellent idea and staff will follow-up on this. He was unaware of any application at this time, but he said he gave them his card and asked them

**REPORT OF THE DEVELOPMENT SVS. DEPARTMENT**

**(a) GENERAL PLAN ANNUAL REVIEW:**

to call to discuss their proposal.

Mr. Valantine stated that the General Plan Annual Review is an annual informational item and was presented to the Planning Commission last week in the form of a progress report towards implementation of the General Plan. He said this report would also be presented to City Council and filed with the State of California. He said it basically summarizes the things the City has done within the last year or two in a number of areas.

Commissioner Foley said that with respect to the Housing Element and Land Use Element, she did not see that it anticipated the mobile home park closures of El Nido and Snug Harbor. Mr. Valantine stated that the mobile home parks are not counted toward the furtherance of the City housing goals, so if they are lost, no ground has been lost in that regard. He said the land use would not change from its current designation of General Commercial. In the current application, they are proposing some changes to allow an excess floor area ratio over and above the normally allowed floor area ratio. In further response to Commissioner Foley, Mr. Valantine stated that if the 1901 Newport Boulevard project ultimately comes to fruition, there would be some low and moderate income units built either on site or off site and those will be counted towards the City's target affordable housing goals. There was discussion between Commissioner Foley and Mr. Valantine regarding low to moderate housing levels.

**MOTION:**  
General Plan Annual Review  
Received and Filed

A motion was made by Chairman Garlich, seconded by Commissioner Perkins, and carried 5-0 to received and file this report.

**(b) PLANNING COMMISSION DESIGN AWARD NOMINATIONS:**

Mr. Valantine explained the nomination process and stated that Chairman Garlich submitted a nomination for the Providence Park Model Homes/Mediterranean and Commissioner Bever nominated Pelicans Property.

**REPORT OF THE SR. DEPUTY CITY ATTORNEY**

None.

**ADJOURNMENT:**

There being no further business, Chairman Garlich adjourned the meeting at 9:55 p.m., to the study session of Tuesday, February 17, 2004.

Submitted by:

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PERRY L. VALANTINE, SECRETARY  
COSTA MESA PLANNING COMMISSION