

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

August 23, 2004

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., August 23, 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. Valantine, Secretary

Costa Mesa Planning Commission

R. Michael Robinson, Plng.& Redevelopment Mgr.

Marianne Milligan, Sr. Deputy City Attorney

Ernesto Munoz, City Engineer

Mel Lee, Associate Planner

Wendy Shih, Associate Planner

MINUTES:

The minutes for the meeting of August 9, 2004 were accepted as amended.

**PLANNING COMMISSION
DESIGN AWARD
PRESENTATION:**

Planning and Redevelopment Manager R. Michael Robinson stated that this program was established in May of 2002 to recognize developments for excellence in design, and integration into the community and the selections are made in January and July of each year. He announced that the July 2004 Design Award is being presented to the Armstrong Garden Center at 2123 Newport Boulevard. He said in recognizing the project, the Planning Commission noted that it was architecturally noteworthy and visibly attractive due to an abundance of landscaping. The Commission also noted that the project resulted in significant improvement to a prominent location within the City and was completed quickly and with minimum disruption. Assistant Manager Thomas Davis from the Costa Mesa location, joined Chairman Bruce Garlich and Vice Chair Perkins in acceptance of the award on behalf of the Armstrong Garden Center. In response to a question from Commission Foley, Mr. Robinson explained that, typically, a press release is initiated immediately following the awards and the selection will go out tomorrow.

PUBLIC COMMENTS:

Irene Shannon, 2025 North Bush Street, Santa Ana, spoke about recent and ongoing legislation now in the State Senate with regard to mobile home park closures. She felt if cities would take the lead in legislation in their municipalities on this subject, it would help to set the tone for passage of the bills that are being held up on a state level.

Tim Lewis, 2050 Charle Street, Costa Mesa, thanked the Commission for removal of the damaged pole sign at the Beacon Bay property on Harbor Boulevard. He said he hoped that things would continue to improve on that site.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

None.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:

EXTENSION OF TIME FOR PA-01-03 AND PA-01-04 PLUS POSSIBLE MODIFICATION OF CONDITIONS

Beacon Bay/Taylor

Planning Applications PA-01-03 and PA-01-04 15 for an extension of time and possible modification of conditions for Wesley Taylor, authorized agent for Beacon Bay Enterprises, for conditional use permits to allow motor vehicle sales on the front half of the lot with an administrative adjustment to deviate from front landscape setbacks for auto display (20-foot landscape setback required; 15-foot landscape setback proposed); and to allow outdoor storage of motor vehicles on the rear half of a commercial property, located at 2059 Harbor Boulevard in a C2 zone. Environmental Determination: exempt.

Staff recommended a continuance of the item to the meeting of September 13, 2004.

MOTION:
PA-01-03/04
Continued

A motion was made by Chairman Garlich, seconded by Commissioner Foley and carried 5-0 to continue this item to the Planning Commission meeting of September 13, 2004.

SIX-MONTH EXTENSION OF TIME FOR CONDITIONAL USE PERMIT PA-04-12

Bristol Street Mini Storage/OC

The Chair opened the public hearing for consideration of a six-month extension of time for Conditional Use Permit PA-04-12 for the County of Orange/Bristol Street Mini Storage, LLC, to extend the expiration date of the existing conditional use permit for outdoor storage of recreational vehicles and mini-storage facility (PA-94-24) from September 1, 2004, to March 1, 2005, located at 1100 Bristol Street in a C1 zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She stated staff is recommending denial of the request, by adoption of Planning Commission resolution.

In response to a question from the Chair regarding staff's expectation of when the RFP would go forward to the Board of Supervisors and actually be issued, Mr. Valentine explained that the County expects tentatively, that they would be taking a lease to the Board in the first quarter of next year. Assuming it is approved by the Board, there will probably be about a one-year period within which the successful lessee(s) would obtain any permits required by the City prior to finalizing the lease with the County.

Peter Buffa, Nevis Circle, Costa Mesa, authorized agent for the applicant, submitted photographs of the subject site and pointed out that the site is an attractive and well-maintained use, and, more importantly, it might be the perfect use for that site because it's basically invisible. Mr. Buffa explained the aerial photograph of the subject property in relation to surrounding properties. He said the site generates very little traffic (pedestrian or vehicular) from Bristol Street; there are 4.4 acres of usable property, however, the Flood Control Channel is 1.8 acres. He said the reality is that since the maps are somewhat outdated and Bristol Street was widened, there is approximately 1 acre less space available on this site. Subsequently, the chances of having any kind of use that requires permanent structures for much of a use at all, is probably not going to be a part of the proposals that the County receives. The applicant has asked for a six-month extension and he explained that a one-year extension would be an even better fit because the County's getting the RFP out; getting the proposals back; reviewing those proposals, and all of that could very easily take the better part of a year.

Lee Jamieson, owner and manager of Bristol Street Mini Storage, in response to a question from the Chair regarding his reason for the request, explained that they are the lessee from the County over a 10-year period on this site and have approximately 920 to 925 customers who rent space in the facility. The original plan with the County was to have their RFP out and have the site either re-leased to his company, or someone else, or have an optionee on the property before the expiration of the 10-year lease, which is September 1st. Because of delays in the County, that was not accomplished. He said in conjunction with the County, they have put this application before the Com-

mission to extend the term and their ability to continue to use this site, while the County goes through the RFP process. That process means they put the site out for proposals; they then gather all the proposals over a six-week period; and then choose either the most lucrative, or the best proposal (usually an economic decision). At that point, that optionee would have the ability to come back to the City, and present their use, which would hopefully be approved over a period of time. Mr. Jamieson said when they originally came 10 years ago, that process from the start of that option period until they actually started construction was about 9 months to a year. If they are successful in this endeavor, as the successful optionee for an extended period, their time frame versus someone else's would be shortened because they are an existing use and would be back in front of the Commission at that time to convince the Commission they should be there long-term. Anyone else who might have the winning proposal would be doing the same, but starting from scratch after his company moves from the site.

Mr. Jamieson said the County would like to continue to receive the substantial rental income that they are generating until such time as a new optionee or new lessee is chosen.

The Chair said that staff has indicated they do not support the continued use, so if the Commission were to grant any extension, it would probably be on the condition that at the completion of that period of time, the existing use would be removed from the site. Since this is a potential outcome the Chair asked if 6 months would be an adequate extension. Mr. Jamieson explained that they would like to believe everything would go smoothly with the County and the RFP process, however, a year would be much better and would allow a much smoother transition in either case.

Mr. Jamieson said they would certainly like the opportunity, if they are the successful candidate in this RFP process, to review a list of what staff or the Planning Commission would like see them do to improve the facility to satisfy conditions and allow them to continue operating what is a very successful business on this site. He said they would like to have that discussion, but at a later date, if they are successful.

In response to a comment from the Chair about the adequacy of the extension, Mr. Jamieson stated if the extension is granted for a year, he could not imagine a scenario where they would be back asking for another extension based on his familiarity of the RFP process with the County. The Chair having asked if 9 months would be sufficient, Mr. Jamieson said that so if the Commission were to grant the extension for one year, he was fully confident that everything would work out, but that nine months was better than the Commission telling him no.

In response to a question from Vice Chair Perkins concerning the monthly loss of income to the County, Mr. Jamieson stated that it would be approximately \$25,000 per month.

In response to question from Vice Chair Perkins with respect to having met with the County Board, Mr. Buffa stated that he met with two of the Board members and described the project to them and told them that when the RFP does hit the street, that he would very much appreciate meeting with them again. Mr. Buffa said he also wanted to clarify that there was some discussion, at one point, about the City wanting to purchase the site from the County, however, he has found that at this time, there is no interest from the County, no interest from the two Board members he spoke to about selling this site because it is a substantial income stream for them with very little overhead on their part.

In response to a question from Vice Chair Perkins regarding long-

term leases running approximately 30 to 50 years, Mr. Jamieson felt this was a very difficult question although they have been given an indication that the County is going to put it out for a long-term lease. He said that the same scenario occurred 10 years ago and after the RFP process, the County for some internal reasons changed it to a 10-year period. He felt the County is looking to maximize their long-term revenue on the site and their goal would be a 30-year lease.

In response to a questions from Commissioner Bever regarding the amount of time it would take just to “vacate” the site should it come to that, Mr. Jamieson stated that it takes about 45 to 60 days for renters to empty their storage units and another 30 days to remove the shipping containers, accessories, etc. In response to another question as to why he had not made arrangements to vacate the site previously when his CUP expires in few days, Mr. Jamieson said for several reasons: (1) He has known that the County was going into the RFP process and expressed a willingness to work with him knowing that it won’t be completed in 8 days; (2) he was hoping to convince staff and the Commission, because they did not want to send out a notice to 922 customers, with that many phone calls and people coming to the City to say they have no where else to go. He added that the vacancy rate in Costa Mesa for mini storage units is under 5%; (3) He did not want to cause a major problem if there was some way to have a smooth transition in the event they are successful in the RFP process.

In view of Mr. Jamieson’s response to these questions, Commissioner Bever asked him if he is granted a year’s extension, would he be prepared at 9 months to send the renters notification that they need to vacate if that is in fact the case, or that he has not heard affirmatively from the County. Mr. Jamieson agreed.

In response to a question from Commissioner Foley regarding the backside of the property as viewed from the freeway (73) and whether there is anything that could be done to enhance it without being too costly, Mr. Jamieson explained that this is not his property, but is owned by CalTrans.

There was discussion between Commissioner Foley and the applicant regarding his strategy should the RFP not materialize.

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

MOTION:
PA-04-12
Not called

A motion was made by Vice Chair Perkins and seconded by Chairman Garlich, to extend the CUP for a period of 12 months with a condition of approval that as of the 12-month period to September 1, 2005, the property must be vacated if the RFP hasn’t been selected and owners haven’t been chosen.

During discussion on the motion, Vice Chair Perkins explained that because the Commission does not know what is going to happen, it was his feeling that Mr. Buffa and the applicant gave very persuasive arguments in favor of a one-year extension such as: (1) this is a non-intrusive use; (2) the County would be giving up an approximately a quarter million dollars a year; and (3), its possible the City could end up with a much worse project.

In response to a question from Commissioner Foley regarding the County’s possible decision to award the bid to Mr. Jamieson, anytime before September 1, 2005, Mr. Valentine confirmed that the applicant could then apply for a new CUP.

There was discussion between the Chair and Vice Chair regarding confirmation of the motion.

SUBSTITUTE MOTION:
PA-04-12

A substitute motion was made by Commissioner Foley, seconded by Chairman Garlich, and carried 5-0 to approved a 12-month extension,

Approved 1-year extension

by adoption of Planning Commission Resolution PC-04-52, 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:

Condition of Approval

- 2. The conditional use permit herein approved shall be valid until, and the site shall be vacated by, September 1, March 1 2005. The conditional use permit may be....

During discussion on the motion, Commissioner Foley commented that she felt this condition was simple and much cleaner without the problem of tracking and trying to manage the RFP process.

The Chair said he believes Mr. Buffa is correct in that a year would leave a fairly comfortable amount of time for this process to take its course. He said it is more comfortable not tying our conditional use permit to something the County may or may not do, or giving staff the administrative burden of having to track that.

Vice Chair Perkins expressed concerns about the 9-month period of time that the applicant has and the other 3 months to prepare to vacate in any case.

Commissioner Bever made two additional proposals for conditions to the motion. One was to define the 9-month and 90-day periods as just expressed by Vice Chair Perkins and, the other was basically the same except after 90 days he could conceivably request another extension. Commissioner Foley was unwilling to change her motion because adding further conditions was too complicated and unnecessary.

Commissioner DeMaio said he would support her motion because he felt that keeping it simple was good and secondly, because the applicant has already said he can handle it if he should have to vacate.

Chairman Garlich asked the applicant if he was in agreement with the modified condition as it is currently on the table. Mr. Jamieson stated that the motion is acceptable and he appreciated what Commissioner Perkins said. He said the language in there that is helpful with perception, "is that I would vacate by September 1st, or come back to this Commission for an approval if I'm successful." He felt as long as that's inherent in the motion, and its on the record, then it's fine with him. He said they would be back here before that date anyway, but certainly appreciated the comments.

Vice Chair Perkins said, having clarified that, he could support the motion.

The Chair then called for the question, which was passed 5-0.

The Chair explained the appeal process.

REQUEST FOR REHEARING
OF PLANNING APPLICATION
PA-04-25

Klein/Wiant

The Chair opened the public hearing for consideration of a request for rehearing Planning Application PA-04-25 for Kenneth J. Wiant, authorized agent for Mr. and Mrs. Klein, for variances from front and rear setback requirements (20' front setback required; 10' proposed; 20' rear setback required; 10' proposed), and for the eave overhang to encroach into the front setback (5' permitted; 12' proposed); in conjunction with a minor design review for a 954 sq. ft., second-story addition to a single-family residence, located at 219 Pauline Place in an R1 zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a presentation. He stated that staff is recommending approval of the request for rehearing. He said the rehearing procedure as established by the City's Municipal Code allows an applicant to present new relevant evidence that the Commission may wish to consider in its determination whether to actually grant a rehearing.

Under the procedures outlined in the code, the Commission has the discretion to first determine if a rehearing should be granted, and secondly, to actually schedule a date for the rehearing. The purpose for that is to allow for adequate notice to be sent. What staff has done in order to expedite this process is to provide notice for tonight's hearing so that if the Planning Commission does choose to rehear the item, the Commission can immediately take action on the rehearing request. He noted the items in order are: VII. 3a. and VII. 3b.

No one else wished to speak.

MOTION:
PA-04-25
Approved Request

A motion was made by Commissioner Foley, seconded by Chairman Garlich and carried 5-0 to approve the request for rehearing Planning Application PA-04-25.

REHEARING OF PLANNING APPLICATION PA-04-25

Klein/Wiant

The Chair opened the public hearing for the rehearing of Planning Application PA-04-25 for Kenneth J. Wiant, authorized agent for Mr. and Mrs. Klein, for variances from front and rear setback requirements (20' front setback required; 10' proposed; 20' rear setback required; 10' proposed), and for the eave overhang to encroach into the front setback (5' permitted; 12' proposed); in conjunction with a minor design review for a 954 sq. ft., second-story addition to a single-family residence, located at 219 Pauline Place in an R1 zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a presentation. Mr. Lee explained the applicant's revised plans for the property. He said staff was recommending approval by adoption of Planning Commission Resolution, subject to conditions.

Josh Klein, 219 Pauline Place, Costa Mesa, agreed to the conditions of approval.

Commissioner Bever felt the applicant's project would be a nice addition to the neighborhood, however, he asked if the higher windows in the back elevation could also receive similar treatment to that in the front so that neighbors that can see the house from the back also enjoy the beauty of what he is doing in the front. The applicant said that was acceptable.

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

MOTION:
PA-04-25
Approved

A motion was made by Commission Foley, seconded by Commissioner DeMaio and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-53, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

During discussion of the motion, Commissioner Foley said she did not want to condition the applicant on the windows Commissioner Bever previously described because there was already existing articulation to those windows and she felt it might interfere with the overall design. She felt it could be phrased as a recommendation rather than a condition, for window treatments at the back of the house to be considered by the applicant. Commissioner Bever agreed that would be sufficient.

The Chair explained the appeal process.

PLANNING APPLICATION PA-04-29

Ambassador Agency/Sanders

The Chair opened the public hearing for consideration of Planning Application PA-04-29 for Jim Sanders, authorized agent for the Ambassador Agency, for a conditional use permit to allow an advertising business with a small recording booth, located at 3505 Cadillac Avenue, Units L-3, L-4, and L-5 in a PDI zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff is recommending approval by adoption of Planning Commission resolution, subject to

conditions. In response to a question from Commissioner Bever, Ms. Shih noted there were no communications from neighboring properties regarding the proposed business.

Jim Sanders, authorized agent for the applicant, 515 East Commonwealth Avenue, Fullerton, agreed to the conditions of approval. Mr. Sanders asked that when a conditional use permit is granted, if it is for a fixed term because in listening to previous discussions this evening, he felt he should ask. In response, the Chair said that most CUP's run with the land. Counsel agreed, so long as the use remains there, but time limitations for CUP's can be granted by the Planning Commission for purposes of time extensions and other reasons.

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

MOTION
PA-04-29
Approved

A motion was made by Vice Chair Perkins, seconded by Commissioner Foley and carried 5-0, to approve by adoption of the Planning Commission Resolution PA-04-54, based on analysis and information in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT

Planning Commission Secretary Perry Valentine corrected the adjournment date from a Monday to "Tuesday" and announced that the Commission will not be meeting next Monday (August 30th) since it is the 5th Monday of the month.

REPORT OF THE SENIOR DEPUTY CITY ATTORNEY

None.

ADJOURNMENT:

There being no further business, Chairman Garlich adjourned the meeting at 7:42 p.m., to the study session of Tuesday, September 7, 2004.

Submitted by:

PERRY L. VALANTINE, SECRETARY
COSTA MESA PLANNING COMMISSION