

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
February 23, 2009**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., February 23, 2009, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Vice Chair Fisler.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Commissioner Mensinger led the Pledge of Allegiance.

II. ROLL CALL: Vice Chair: James Fisler
Commissioners: Sam Clark, Colin McCarthy, Stephen Mensinger, and James Righeimer

Present: Vice Chair James Fisler
Commissioner Sam Clark
Commissioner Colin McCarthy
Commissioner Stephen Mensinger
Commissioner James Righeimer

Absent: None.

Also Present: Planning Commission Secy. Kimberly Brandt
Deputy City Attorney Tom Duarte
Acting City Engineer Fariba Fazeli
Senior Planner Mel Lee
Senior Planner Minoo Ashabi
Associate Planner Wendy Shih

III. ELECTION OF OFFICERS:

(a) Election of Chair

The Vice Chair commented that this Commission functions as an advisory committee to the Council on issues related to the long-term growth and development of this City. He said the Chair needs to guide this Commission and no one will be able to replicate outgoing Chair Donn Hall's 30+ years of service to this City and the hundreds of meetings he attended. He asked the Commission to consider when voting for Chair the person's years of experience in the community,

their public involvement in the community, and their public service on this Commission or other commission or committee.

The Vice Chair opened the nominations for Chair. Commissioner Mensinger nominated James Righeimer and Commissioner Clark nominated James Fisler.

MOTION: Close the nominations of James Righeimer and James Fisler for Chair.

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

The motion carried by the following roll call vote:

Ayes: Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, Commissioner Stephen Mensinger, and Commissioner James Righeimer

Noes: None.

Absent: None.

The Vice Chair proceeded to call for the vote for James Righeimer as Chair.

The motion carried by the following roll call vote:

Ayes: Commissioner Colin McCarthy, Commissioner Stephen Mensinger, and Commissioner James Righeimer

Noes: Vice Chair James Fisler and Commissioner Sam Clark

Absent: None.

After the vote, Chair Righeimer changed seats with Vice Chair Fisler.

(b) Election of Vice Chair

The Chair opened the nominations for Vice Chair. Commissioner McCarthy nominated James Fisler for Vice Chair.

MOTION: Close the nomination of James Fisler for Vice Chair.

Moved by Commissioner Colin McCarthy, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

The Chair proceeded to call for the vote for James Fisler as Vice Chair.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

Commissioner Clark asked that a recess be taken so the seating and name signs could be changed. The Chair said a recess would be taken after the minutes item.

(c) Appointment to Traffic Impact Fee Committee

(d) Appointment to 3R Committee

(e) Appointment to City/NMUSD Liaison Committee

The Chair noted that it was discussed and determined that he would be appointed to the Traffic Impact Fee Committee; Vice Chair Fisler would be appointed to the 3R Committee; and Commissioner Mensinger would be appointed to the City/NMUSD Liaison Committee.

The Chair asked for a motion on all three appointments.

**MOTION: Appoint Chair James Righeimer to the Traffic Impact Fee Committee; appoint Vice Chair James Fisler to the 3R Committee; and appoint Commissioner Stephen Mensinger to the City/NMUSD Liaison Committee.
Moved by Commissioner Sam Clark, seconded by Commissioner Colin McCarthy.**

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

IV. MINUTES: Minutes for the meeting of February 9, 2009

The Chair approved the minutes as distributed.

The Chair called a short recess for changing of the seating and name signs.

V. PUBLIC COMMENTS:

There were no public comments.

VI. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy said he hopes former Chair Donn Hall is feeling better and announced the Costa Mesa Community Run on April 18, 2009 with the proceeds going to the Costa Mesa schools.

Commissioner Clark congratulated Chair Righeimer and Vice Chair Fisler on their elections and thanked Vice Chair Fisler for his comments.

Commissioner Mensinger also congratulated Chair Righeimer and Vice Chair Fisler on their elections and said he respected the Vice Chair's leadership . In addition, he said the Pop Warner sign-ups are this Saturday and Sunday at Estancia High School from 9:00 a.m. to 12:00 p.m.

Vice Chair Fisler noted that he was thinking of former Chair Donn Hall as he is in the hospital and he and his family are in our prayers.

The Chair thanked the Commissioners and said he understands that this position has a lot of responsibilities. He also said that this Commission looks at the law, but is not the policy-making committee; the City Council is. He noted that the Planning Commission follows the law when making decisions and looks at each project individually.

VII. CONSENT CALENDAR:

1. 2008 Annual Review of City of Costa Mesa's General Plan

The Chair asked if anyone wished to move on the consent calendar.

MOTION: Receive and file.

Moved by Commissioner Sam Clark, seconded by Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

VIII. PUBLIC HEARINGS:

- 1. Planning Application PA-09-01, for Brian Cleugh, authorized agent for Jaymar Investments, LLC, for a conditional use permit to allow off-site reciprocal parking on the adjoining property with minor conditional use permits for shared access and to deviate from parking requirements for two new restaurants (Roberto's and Gandolfo's), located at 1902 and 1906 Harbor Boulevard, in a C1 zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report. She responded to questions from the Commission regarding separate parking for both restaurants; parking at 1902 and 1906 Harbor Boulevard; the current parking requirements; the location of the egress across 1906 Newport Boulevard; and if Jaymar Investments has met with the adjacent property owners/tenants.

Brian Cleugh of The Murrel Company, authorized agent for Jaymar Investments, LLC, gave a presentation and thanked staff for their help. He pointed out that this project is a dramatic improvement. He agreed to all the conditions of approval.

Mr. Cleugh explained that he is asking for their help regarding the parking shortage, and said he did speak with one of the adjoining property owners and would enhance the landscaping on the property.

Martin Millard, Costa Mesa, inquired about the 28-foot height of the building; said the project looks nice; but expressed concern regarding the project being short on the number of parking spaces.

Michele Schultz, owner of Globe European Delicatessen on the adjacent property, expressed concern regarding the parking stating that they are already burdened with a parking shortage with the current businesses.

Beth Refakes, Costa Mesa, stated this project is an unfair burden on the adjacent property owners and is a negative impact on business.

Randy Schultz, owner of Globe European Delicatessen, which has been in business for 40 years, pointed out safety concerns that emergency vehicles cannot enter the alley due to cars being double-parked.

Dave Ruffell, property owner of the remainder of the businesses, asked why the original restaurant, Pasta Connection Restaurant, was allowed in that location in the first place. He also expressed concern regarding the shortage of parking. He recommended a "no" vote for this project.

Sara Barnett, adjacent business owner for the past 10 years, expressed concern regarding the parking and explained the shortage of parking spaces especially during the hours of 11:00 a.m. to 6:00 p.m.

Mr. Cleugh returned to the podium and asked the Commission for their help relating to being short three parking spaces. He explained that he found two tenants and that is why there are two restaurants.

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

Commissioner McCarthy noted that there are real problems with this project as proposed, especially with the parking concerns.

**MOTION: Deny Planning Application PA-09-01 by adoption of Planning Commission Resolution PC-09-07, based on the denial findings contained in Exhibit "A".
Moved by Commissioner Sam Clark, seconded by Commissioner Colin McCarthy.**

During discussion on the motion, Commissioner Clark stated that this project is 20 parking spaces short; the adjacent property owners have rights; and he will not support this project.

Vice Chair Fisler discussed with Ms. Shih regarding the legal, nonconforming status of the property at 1902 Newport Boulevard, the parking variance, and the conditional use permit. Ms. Shih explained that new restaurants may occupy no more than 2,500 square feet of the building and that permits could not be issued until verified by Planning. Vice Chair Fisler supported the motion.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, and Commissioner Colin McCarthy
Noes: Commissioner Stephen Mensinger
Absent: None.

The Chair explained the appeal process. He also asked staff to provide him with a copy of previous conditional use permits issued for this property.

IX. PLANNING COMMISSION DESIGN AWARDS SELECTION FOR 2008.

Senior Planner Mel Lee reviewed and named all the nominated projects for the design awards.

**MOTION: Select all nominated projects, which include the projects at 450 Anton Boulevard (Enclave Apartment Homes), 1640 Newport Boulevard (Pacific Medical Plaza), 3200 Harbor Boulevard (Carmax Auto Superstore), and 1370 Adams Avenue (Coast Community College) to be recipients of the design awards.
Moved by Vice Chair James Fisler, seconded by Chair James Righeimer.**

During discussion on the motion, Commissioner Clark commented that he was in agreement with the nominated projects except for the Pacific Medical Plaza project, but said he would support the motion.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger
Noes: None.
Absent: None.

X. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

XI. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

XII. ADJOURNMENT TO THE STUDY SESSION OF MONDAY, MARCH 2, 2009, AT 5:30 P.M., AND THEN TO THE REGULAR MEETING OF

MONDAY, MARCH 9, 2009.

There being no further business, Chairman Righeimer adjourned the meeting at 7:27 p.m. to the Study Session meeting of March 2, 2009 at 5:30 p.m., and then to the Planning Commission meeting of Monday, March 9, 2009.

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