

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
January 22, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., January 22, 2007, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chair Bill Perkins.

I. **PLEDGE OF ALLEGIANCE TO THE FLAG.**

II. **ROLL CALL: Chair: Bill Perkins**
Vice Chair: Donn Hall
Commissioners: Eleanor Egan and James Fisler

Present: Chair Bill Perkins
Vice Chair Donn Hall
Commissioner Eleanor Egan
Commissioner James Fisler

Absent: None.

Also Present: Costa Mesa Planning Commission
Secretary R. Michael Robinson
Deputy City Attorney Tom Duarte
City Engineer Ernesto Munoz
Principal Planner Willa Bouwens-Killeen
Senior Planner Claire Flynn
Associate Planner Wendy Shih
Assistant Planner Hanh Nguyen
Assistant Planner Rebecca Robbins
Associate Engineer Raja Sethuraman

III. **MINUTES: Minutes for the meeting of January 8, 2007**

The minutes were accepted with corrections.

IV. **PUBLIC COMMENTS:**

None.

V. **PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Egan congratulated the new Planning Commissioners on their appointment and thanked Chair Perkins for his service on the Planning Commission.

Commissioner Fisler thanked Chair Perkins for his service on the Planning Commission.

Vice Chair Hall thanked Chair Perkins for his service on the Planning Commission. He suggested an amendment to the Planning Commission Bylaws to change the date of the election of officers from March 12 to February 12, 2007. In reply to Vice Chair Hall's request, Planning Commission Secretary Michael Robinson said that the bylaw amendment will be on the agenda for the meeting of February 12, 2007.

Chair Perkins thanked his fellow Commissioners; noted his memories from the very beginning of his term of service in February 5, 2001; and thanked former Planning Commissioners, former staff, current staff, and the City Council. Lastly, he spoke about the Home Ranch EIR and thanked his wife.

Vice Chair Hall additionally asked the new Planning Commissioners in the audience to stand and Mr. Sam Clark stood up.

VI. **CONSENT CALENDAR:**

1. [2005 Development Phasing and Performance Monitoring Program Annual Review](#)

Associate Engineer Raja Sethuraman gave a presentation.

In reply to Commissioner Egan's questions about Orange Avenue at 17th Street, Table 1, Section 4, and how the intersections are selected in relation to timing and grouping, Associate Engineer Raja Sethuraman discussed the level of service and modifying the table.

In response to a question from the Chair about the signal timing at 19th Street and Newport Boulevard, Associate Engineer Raja Sethuraman noted that the intersection was not included however the City continues to monitor and check the intersections.

**MOTION: Approve Year 2005 Development Phasing and Performance Monitoring Program Report.
Moved by Commissioner Eleanor Egan, seconded by
Commissioner James Fisler.**

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and
Commissioner James Fisler

Noes: None.

Absent: None.

VII. [PUBLIC HEARINGS:](#)

1. [Appeal of Planning Staff's Zoning Approval, to add an 884 sq. ft. second-floor to a single-family residence, located at 3175 Barbados Place, in an R1 zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih gave a presentation.

In response to Commissioner Fisler's question concerning the first photograph in the report and where the addition is, Associate

Planner Wendy Shih said the side setback is 6 feet and the length of the addition is approximately 30 feet.

Cyndy Jaconelli, appellant, Costa Mesa, spoke about encroachment concerns; the applicant's tree intruding on her property; and the resulting effect due to the tree limiting sunlight on the pool (increased pool costs). Ms. Jaconelli asked that the project be redesigned and noted she would contribute toward the redesign costs.

In response to a question from the Chair concerning the tree issue, Associate Planner Wendy Shih said there is no regulation on this issue and that it is a civil matter.

James Kime, applicant, Costa Mesa, gave a presentation and mentioned that he would cut down the tree, if necessary, but cannot afford a redesign. He noted that there are several two-story homes on the street and feels his project should be approved.

During a discussion concerning the tree by the Chair and Associate Planner Wendy Shih, Deputy City Attorney Tom Duarte noted that this issue is between the two property owners.

Mary Langdale, Costa Mesa, said she enjoys her backyard and spoke in opposition to the project citing privacy concerns.

George Wilfert, real estate broker, spoke in opposition to the project citing the loss in value of the appellant's home if the second story is built (40% of the pool being shaded).

The building contractor for project discussed how the house was being built in a cost-effective manner.

Both Ms. Jaconelli and Mr. Kime returned and commented on their respective concerns. Also Ms. Jaconelli noted that solar panels were too costly in response to Vice Chair Hall's question on same.

Deputy City Attorney Tom Duarte reiterated that the tree issue is between the two property owners and is not to be considered in relation to this agenda item. In reply to Commissioner Fislser's question about why it would be so costly to keep this a one-story project, Mr. Kime said it would involve a lot of costly changes for the kitchen and chimney. There being no further public comment, the Chair closed the public hearing.

The Chair said Mr. Kime has done everything necessary to meet the guidelines and codes.

MOTION: To uphold the approval based on the findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Chair Perkins, seconded by Commissioner Egan.

During discussion on the motion, Commissioner Egan said the applicant has complied with the requirements and codes.

During discussion on the motion, Vice Chair Hall and Commissioner Egan discussed the project and Vice Chair Hall mentioned property rights concerning having sunlight in your backyard. Vice Chair Hall said he did not support the motion.

During discussion on the motion, Commissioner Fisler commented that he did not support the motion citing the shade issue and suggested developing second story conditions. As a result of the discussions on the motion, the motion did not carry.

**MOTION: Refer to City Council for final decision.
Moved by Vice Chair Donn Hall, seconded by Commissioner James Fisler.**

The motion carried by the following roll call vote:

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

Noes: Chair Bill Perkins

Absent: None.

2. [Appeal of Zoning Administrator's Approval, for Anthony Geisler, representing Peter Desforges, authorized agent for WOHL/Costa Mesa, for a minor conditional use permit to allow a boxing studio \(LA Boxing\), to deviate from shared parking requirements located at 103 E. 17th Street, Suite 1, in a C1 zone. Environmental determination: exempt.](#)

Assistant Planner Hanh Nguyen gave a presentation and confirmed that the conditions in Exhibit "B" reflected the changes stated in the staff report. In response to Commissioner Fisler's

question about Condition No. 2, Assistant Planner Hanh Nguyen said the Condition is now Condition No. 1.

Anthony Geisler, applicant, agreed to the conditions and understood that the adult class size was restricted. He said he took pictures and noted the number of parking spaces available. Mr. Geisler answered questions about memberships, exhibition bouts, and the reason for moving to this location.

No one wished to speak during public comments, so the Chair closed the public hearing.

MOTION: Uphold Zoning Administrator’s approval, by adoption of Planning Commission Resolution PC-07-06, based on evidence in the record and findings contained in Exhibit “A”, subject to the modified conditions in Exhibit “B”. Moved by Commissioner Eleanor Egan, seconded by Chair Bill Perkins.

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and Commissioner James Fisler
Noes: None.
Absent: None.

The Chair explained the appeal process.

The Chair asked for a ten-minute recess at 8:01 p.m. and the meeting resumed at 8:13 p.m.

3. [Planning Application PA-06-52/Rezone R-06-04, for T4 Associates, LLC, for the following: \(1\) Rezone of subject property from C1 \(Local Business District\) to PDR-HD \(Planned Development Residential - High Density\); \(2\) Master Plan to construct a 14-unit, 2-story, attached multi-family residential condominium development; \(3\) variances from open space requirements \(42% required, approximately 35% proposed\) and from minimum lot area \(1 acre required, .90 acre proposed\); and \(4\) a minor modification for an 8-foot high block wall \(6-foot maximum allowed\), for property located at 2460-2472 Newport Boulevard, in the Newport Boulevard Specific Plan area and a C1 zone. Environmental determination: exempt.](#)

Assistant Planner Rebecca Robbins and Senior Planner Claire Flynn gave a presentation on the proposed project including the variances and the minor modification.

Johnny Lu, applicant, Costa Mesa, was in agreement with the conditions and gave a presentation.

Thomas McKory, Costa Mesa, former owner of property, stated his support for the project.

MOTION: Recommend to City Council that they give first reading to the ordinance to change the zoning classification of the subject property from Local Business District (C1) to Planned Development Residential - High Density (PDR-HD) as shown in Exhibit "A", and recommended approval of Planning Application PA-06-52 for a master plan for a 14-unit residential common interest development with variances from open space and minimum lot area requirements with a minor modification to allow an 8-foot high block wall, based on the evidence in the record and findings contained in Exhibit "B", with the following wording added to the end of the first sentence of Exhibit "B", Finding E., "and the constraints imposed by Fire access requirements limit the available open space," subject to conditions contained in Exhibit "C". Moved by Commissioner James Fisler, seconded by Commissioner Eleanor Egan.

During discussion on the motion, Commissioner Egan requested the modification of Exhibit "B", Finding E.

During discussion on the motion, the Chair expressed his concerns with approving variances and creating flag lots, but gave his support for the motion.

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and Commissioner James Fisler

Noes: None.

Absent: None.

4. [Planning Application PA-06-57, for Pat Merwin, authorized agent for IKEA Property, Inc., to amend Planning Application PA-99-34, to remove Condition of Approval No. 17 requiring an on-site child care program, located at 1475 South Coast Drive, in a PDC zone.](#)
Environmental determination: exempt.

Principal Planner Willa Bouwens-Killeen gave a presentation and answered Commissioner Egan's questions.

Pat Merwin, applicant, Carson, agreed to the conditions. In response to Commissioner Egan's question about surveys of the employees, Ms. Merwin said the Human Resources Department did a survey, including Costa Mesa co-workers, and there was no demand for a childcare program. These studies resulted in the co-workers asking for flexibility of their schedules, and she noted that the condition was too broad. Commissioner Egan and Principal Planner Willa Bouwens-Killeen discussed the fact that the Council added this condition.

The Chair and Ms. Merwin discussed employee turn-over and flexibility of hours. Planning Commission Secretary Mike Robinson noted that the information was on Page 3 of the staff report.

In response to Vice Chair Hall's question on Ms. Merwin's preference as to removing the condition or compliance with the condition, she replied that she would like the condition removed.

Tina Rinamon, Costa Mesa, was not in agreement with IKEA having this condition removed and said they need an employer-based childcare center. Ms. Rinamon explained to Vice Chair Hall what she thought a childcare program means to her.

Ms. Merwin returned to the podium and said that none of their co-workers need childcare services. She discussed the six family-friendly programs provided by IKEA. The Chair closed the public hearing.

MOTION: Recommend to City Council that the condition of approval be removed. Moved by Vice Chair Hall, seconded by Chair Perkins.

During discussion on the motion, Vice Chair Hall gave his reasons for deleting Condition No. 17. Commissioner Egan discussed her concerns, believing that the Council meant for

IKEA to have a childcare center. She favored retaining the condition and would not support the motion.

Another discussion ensued with Vice Chair Hall and Commissioner Egan concerning what they thought the Council meant. Vice Chair Hall asked Commissioner Egan to make a substitute motion.

**MOTION: Recommend to City Council that the condition of approval not be deleted and that they determine what would constitute compliance with the childcare program.
Moved by Commissioner Eleanor Egan, seconded by Vice Chair Donn Hall.**

During discussion on the substitute motion, Commissioner Egan and Vice Chair Hall expressed their concerns about adding language to this motion that the employees pay for the child care at the facility. There was a discussion about Vice Chair Hall withdrawing his main motion and the employees paying for the child care. The Chair asked the Vice Chair to withdraw his main motion so that he could make a motion and get a second. The Vice Chair withdrew his original motion making Commissioner Egan's substitute motion the main motion.

**MOTION: Withdraw the condition that states that IKEA needs a childcare facility program based on the fact that they have complied with the six family-friendly programs and they have a monitoring program once every six months to find out how many employees have children that may need child care, and if there are more than ten, then they would have to re-visit this issue; hence, go back to try to find some sort of facility and/or program.
Moved by Chair Perkins, seconded by Vice Chair Hall.**

During discussion of this substitute motion, the Chair explained why he made this motion. Commissioner Egan said she would not support the motion.

MOTION: Refer the entire issue to the City Council for resolution. Moved by Vice Chair Hall, but motion died for lack of second.

Chair Perkins' substitute motion did not carry; Vice Chair Hall, Commissioner Egan, and Commissioner Fisler voted no.

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Commissioner Eleanor Egan, and Commissioner James Fisler

Noes: Vice Chair Donn Hall

Absent: None.

In response to the Chair's question of when this item would go to City Council, Planning Commission Secretary Mike Robinson said February 20.

5. [Planning Application PA-06-60, for Arne Valenti, authorized agent for Jim Stern, for a design review to construct a 2-unit, 2-story common interest development which includes a front unit that does not comply with the recommended 10-foot average second-story side setback \(9-foot average proposed\), located at 224 Knox Street, in an R2-MD zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih gave a presentation.

Arne Valenti, applicant, Orange, agreed to the conditions. There were no public comments, so the Chair closed the public hearing.

MOTION: Approve Planning Application PA-06-60, by adoption of Planning Commission Resolution PC-07-09, based on evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".

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

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and Commissioner James Fisler

Noes: None.

Absent: None.

6. [Planning Application PA-06-63, for Corrie Kates, authorized agent for Hope Leon, for a conditional use permit for off-site parking and storage located on an industrially-zoned property containing two non-conforming residential units, located at 843 W. 17th Street, in an MG zone. Environmental determination: exempt.](#)

The Chair confirmed with Principal Planner Willa Bouwens-Killeen that the applicant requested a continuance on this item. The Chair asked if anyone in the audience wished to speak on this item tonight because they would not be here on February 12. No one wished to speak.

MOTION: Continue to the Planning Commission meeting of February 12, 2007.

Moved by Chair Bill Perkins, seconded by Vice Chair Donn Hall.

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and Commissioner James Fisler

Noes: None.

Absent: None.

7. [Planning Application PA-06-66, for John Morehart, to place the Huscroft House on the City's Local Historic Register located at 546 Bernard Street, in an R2-HD zone. Environmental determination: exempt.](#)

Principal Planner Willa Bouwens-Killeen gave a presentation.

John Morehart, applicant, Costa Mesa, agreed to the conditions, and gave a presentation.

The Chair stated that Mr. Morehart did a very good job.

There were no questions of the applicant and there were no public comments. The Chair closed the public hearing.

MOTION: Recommend to City Council, by adoption of Planning Commission Resolution PC-07-10, that Council provide direction whether Planning staff should prepare a resolution to authorize implementation of the Mills Act and, if so, that the Huscroft House be placed on the City's local historic register. Moved by Commissioner Eleanor Egan, seconded by Vice Chair Donn Hall.

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and Commissioner James Fisler

Noes: None.

Absent: None.

In response to the Chair's request to recommend to City Council that Mr. Morehart be recognized in their resolution for the hard work he has done in the preservation of this house, Planning Commission Secretary Mike Robinson said he would add this to the resolution for Council's approval.

8. [Parcel Map PM-06-176/Zoning Application ZA-06-71, for Keith Scheinberg, for a parcel map to subdivide a lot into two parcels, with an administrative adjustment to encroach 1 ft., 4 in. into the required 5 ft. side setback for the existing residence and a minor conditional use permit for shared access to facilitate the subdivision, located at 1986 Orange Avenue, in an R1 zone. Environmental determination: exempt.](#)

Planning Commission Secretary Mike Robinson gave a short presentation. The applicant was not in attendance and there were no public comments. The Chair closed the public hearing.

MOTION: Approve Parcel Map PM-06-176/Zoning Application ZA-06-71, by adoption of Planning Commission Resolution PC-07-11, based on evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".

Moved by Vice Chair Donn Hall, seconded by Commissioner James Fisler.

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and Commissioner James Fisler

Noes: None.

Absent: None.

The Chair asked the Planning Commission Secretary Mike Robinson to notify the applicant of the Commission's action.

9. Parcel Map PM-06-286, for Kirstin Emershaw, authorized agent for Telford A. Walker, to subdivide an existing industrial development (51 units) for condominium purposes, located at 755-785 W. 17th Street and 1690 Placentia Avenue, in an MG zone. Environmental determination: exempt.

Associate Planner Wendy Shih gave a presentation and included an additional condition that was agreed to by the applicant regarding the CC&R's and the site being located within the Urban Plan Overlay Zone.

Associate Planner Wendy Shih explained to Vice Chair Hall about the additional condition and the Urban Plan Overlay Zone.

Associate Planner Wendy Shih also explained to Commissioner Fisler about the overlay zone, and the requirement for a Master Plan review to activate the Urban Plan.

In response to Commissioner Fisler's question about parking, Associate Planner Wendy Shih said they would review parking as part of the mixed use development.

Planning Commission Secretary Mike Robinson gave an explanation of the live/work space and the requirement for the Master Plan to Vice Chair Hall.

Associate Planner Wendy Shih discussed the number of stories of the condominiums.

Telford Walker, applicant, agreed to the conditions and said the property would remain industrial.

Commissioner Egan and Mr. Walker discussed the occupancy rate.

Commissioner Fisler and Associate Planner Wendy Shih discussed building use. There were no public comments and the public hearing was closed.

MOTION: Approve Parcel Map PM-06-286 based on evidence in the record and findings contained in Exhibit "A" and subject to conditions in Exhibit "B", with the addition of Condition 6, CC&R's. Moved by Chair Perkins, seconded by Vice Chair Hall.

During discussion on the motion, Commissioner Egan and Commissioner Fisler said they would not be supporting the motion. The motion did not carry.

MOTION: Continue to the Planning Commission meeting of February 12, 2007.

Moved by Commissioner Eleanor Egan, seconded by Chair Bill Perkins.

The motion carried by the following roll call vote:

Ayes: Chair Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, and Commissioner James Fisler

Noes: None.

Absent: None.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT:

1. Planning Commission Design Awards Selection for 2006

Planning Commission Secretary Mike Robinson briefly mentioned the Design Awards Selection for 2006 and thanked the Chair for his service on the Planning Commission.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

Deputy City Attorney Tom Duarte said he had no report, but thanked the Chair for his service on the Planning Commission.

X. ADJOURNMENT TO THE MEETING OF MONDAY, FEBRUARY 12, 2007.

There being no further business, Chair Perkins adjourned the meeting at 10:14 p.m. to the Planning Commission meeting of Monday, February 12, 2007.

Submitted by: _____
R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION