

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
February 12, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., February 12, 2007, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Vice Chair Hall.

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

After the Pledge of Allegiance, a musical presentation was made by Mr. Paul Leedie and the REA Singers from REA Elementary School, and the REA Elementary School Principal, Gloria Hardy, introduced herself.

II. ROLL CALL: Vice Chair: Donn Hall
Commissioners: Sam Clark, Eleanor Egan, James Fisler,
and James Righeimer

Present: Vice Chair Donn Hall
Commissioner Sam Clark
Commissioner Eleanor Egan
Commissioner James Fisler
Commissioner James Righeimer

Absent: None.

Also Present: Deputy City Mgr. - Dev. Svs. Dir. Don Lamm
Planning Commission Secretary R. Michael Robinson
Deputy City Attorney Tom Duarte
City Engineer Ernesto Munoz
Senior Planner Mel Lee
Senior Planner Claire Flynn
Associate Planner Wendy Shih

III. **PRESENTATIONS TO BRUCE GARLICH AND BILL PERKINS**

Vice Chair Hall presented framed resolutions to Bruce Garlich and Bill Perkins in honor of their service on the Planning Commission. Pictures were taken of the former and new commissioners.

IV. **PLANNING COMMISSION BYLAWS**

(a) Amendment to Planning Commission bylaws related to Article II (Officers, Elections, and Variances)

Planning Commission Secretary Mike Robinson explained the amendment to the Planning Commission Bylaws related to Article II.

MOTION: Adopt amendment to the Planning Commission Bylaws related to Article II.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

V. **ELECTION OF OFFICERS**

(a) Election of Chair

MOTION: Elect Vice Chair Donn Hall as Chair.

Moved by Commissioner James Fisler, seconded by Commissioner James Righeimer.

The motion carried by the following roll call vote:

Ayes: Vice Chair Donn Hall, Commissioner Sam Clark,
Commissioner Eleanor Egan, Commissioner

James Fisler,
and Commissioner James Righeimer
Noes: None.
Absent: None.

(b) Election of Vice Chair

**MOTION: Elect Planning Commissioner James Fisler as Vice Chair.
Moved by Chair Donn Hall, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:
Ayes: Chair Donn Hall, Commissioner Sam Clark,
Commissioner Eleanor Egan, Commissioner
James Fisler, and Commissioner James Righeimer
Noes: None.
Absent: None.

(c) Appointment of Assistant Secretaries

Planning Commissioner Secretary Mike Robinson
appointed Principal Planner Kimberly Brandt and Principal Planner
Willia Bouwens-Killeen as Assistant Secretaries.

VI. **MINUTES: Minutes for the meeting of January 22, 2007**

The minutes were approved as submitted.

VII. **PUBLIC COMMENTS:**

Martin Millard, Costa Mesa, spoke about Chair Hall and airport concerns.

Chair Hall introduced the new Commissioners.

VIII. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Egan spoke about a letter to the editor.

Vice Chair Fisler spoke about a recycling day for computer and electronic wastes. He also spoke about condo conversions.

Commissioner Egan and Chair Hall discussed rehabilitation facilities. Commissioner Egan requested more updates on these facilities. Planning Commission Secretary Mike Robinson said that a conference on this subject is coming up in March. Chair Hall noted that he wanted the City Council to get involved, but Commissioner Egan said more information is needed. Planning Commission Secretary Mike Robinson said he would get more information.

Commissioner Clark and Commissioner Righeimer both said they were looking forward to working on the Planning Commission.

IX. CONSENT CALENDAR

1. General Plan Conformity Resolution, for the City of Costa Mesa for the purchase and acquisition of property for public parkland purposes located at 261 Monte Vista Avenue in an R1 zone. Environmental determination: exempt.

MOTION: Adopt Planning Commission Resolution PC-07-15 finding that the City of Costa Mesa's purchase and acquisition of the property located at 261 Monte Vista Avenue is in conformity with the City of Costa Mesa's 2000 General Plan.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. [Proposed Vacation of Alley No. 128 \(excess right-of-way between Tustin Avenue and Irvine Avenue\).](#)

MOTION: Adopt Planning Commission Resolution PC-07-16 finding that the proposed vacation of the alley is in conformance with the City of Costa Mesa's 2000 General Plan.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

X. PUBLIC HEARINGS:

8. [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. Telford Walker, owner, came forward, but had no presentation.

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

MOTION: Approve Parcel Map PM-06-286, by adoption of Planning Commission Resolution PC-07-17, based on evidence in the record and findings contained in Exhibit

“A”, subject to conditions in Exhibit “B”.
Moved by Vice Chair James Fisler, seconded by Commissioner James Righeimer.

SUBSTITUTE MOTION: To deny Parcel Map PM-06-286.
Moved by Commissioner Eleanor Egan, seconded by Chair Donn Hall.

Commissioner Egan said that the parcel map was inconsistent with the plans and spoke at length about her concerns.

Vice Chair Fisler noted he appreciated Commissioner Egan's information, but would not support the substitute motion. Planning Commission Secretary Mike Robinson gave additional information on the parcel map.

Deputy City Manager - Development Services Director Don Lamm addressed the Commission and provided supplemental information on this item.

Commissioner Clark said that he shared Commissioner Egan's concerns, but the applicant has a right to the parcel map. Commissioner Egan spoke again about her concerns on this item.

Deputy City Manager - Development Services Director Don Lamm said there could be a condition added for making a more consistent set of guidelines.

Chair Hall and Commissioner Clark discussed live/work lofts, and Commissioner Righeimer spoke about his concerns.

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

Chair Hall and Commissioner Egan expressed their concerns.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, and Commissioner James Righeimer
Noes: Commissioner Eleanor Egan, and Commissioner Sam Clark
Absent: None.

Chair Hall and Commissioner Egan discussed having a joint study session with the City Council.

MOTION: To discuss the relationship between the Urban Plans and the underlying Zoning and Subdivision Map Act at a joint study session with the City Council.

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

1. [Planning Application PA-06-50/Tentative Tract Map T-17112, for The Saywitz Company, to allow common interest development conversion of ten apartment units to condominiums, including two density bonus rental units, with a variance from private open space requirements \(10 ft. minimum dimension required; 7 ft. provided\) and a tentative tract map to facilitate the conversion, located at 685 West 18th Street and 686 Park Drive, in an R3 zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee gave a presentation.

Vice Chair Fisler commented on energy-efficient fixtures.

Commissioner Righeimer noted there were duplicate conditions of approval and Senior Planner Mel Lee agreed.

Barry Saywitz, applicant, Newport Beach, said all the conditions of approval are acceptable to him and noted that Condition Nos. 8, 9, and 10 are duplicated in Condition Nos. 28, 29, and 30.

Chair Hall and Mr. Saywitz discussed one of the conditions and Senior Planner Mel Lee said he could re-word that condition.

Commissioner Righeimer and Mr. Saywitz discussed the transfer of density bonus units to the Center Street property.

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

MOTION: Approve Planning Application PA-06-50/Tentative Tract Map T-17112 with three additional conditions relating to the 30-year affordability agreement, density bonus unit tenants, and being legal residents of the United States. Moved by Commissioner Righeimer, but the motion died for lack of a second.

MOTION: Approve Planning Application PA-06-50/Tentative Tract Map T-17112, by adoption of Planning Commission Resolution PC-07-18, based on evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", in addition to staff working with applicant on Condition No. 13.
Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, and Commissioner Eleanor Egan
Noes: Commissioner James Righeimer
Absent: None.

Chair Hall and Vice Chair Fisler discussed a condition relating to legal residency for density bonus units in the United States for future Planning Applications.

MOTION: Direct staff to draft a condition requiring residents of density bonus units to be legal residents of the United States.
Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer
Noes: None.
Absent: None.

The Chair called a brief recess and the meeting resumed at 8:21 p.m.

2. [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.](#)

Senior Planner Mel Lee gave a presentation.

MOTION: Continue to the Planning Commission meeting of February 26, 2007.

Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

Commissioner Egan added that the applicant should be ready to speak on this item at the next meeting.

3. [Planning Application PA-06-25, for Frank L. Custer and Leigh Harrison, authorized agents for Lighthouse Coastal Community Church, for a six-month review of the operation of the preschool, originally approved under Master Plan PA-00-56, with a request to increase the afternoon enrollment from 30 students to 60 students, located at 300 and 301 Magnolia Street, in an I & R zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee gave a presentation.

Leigh Harrison, applicant, Costa Mesa, said they have fulfilled all the conditions and have interacted with their neighbors.

Commissioner Clark asked Mr. Harrison when they last met with their neighbors, and Mr. Harrison replied October 2006.

Howard Denghausen, Costa Mesa, made comments. He mentioned that Faith Worship Church needs to be reminded about using the crosswalk as noted on Page 19, 3rd bullet. He said the current church is doing a good job, but is concerned about traffic after 3:30 p.m. and wants to curtail the after-school program.

Beth Refakes, Costa Mesa, spoke saying she had met with Frank Custer and wished these changes had occurred a long time ago. She is also concerned about the after-school program and drop-off/pick-up traffic and does not favor the student increase. Ms. Refakes said she is concerned about the extra cars.

Ruby Wilbur, Costa Mesa, was concerned about dance and sports classes, and the extra 30 kids and busing. She said boundaries need to be set, and opposes the increase of students.

Mr. Harrison came back to the podium to respond to the neighbors' concerns. He noted that Faith Worship Church is using the crosswalk.

Marge Menashe, Preschool Director, stated there are two students attending the dance class and five attending the sports class. She noted that the bus has nothing to do with the church, and no other after school children are bused in she said, just her daughter.

Chair Hall asked Senior Planner Mel Lee about legalities. The added sports and dance classes would be part of this request, as part of the church, Mr. Lee said.

Commissioner Egan and Mr. Lee discussed the conditions of approval and Mr. Lee said they are folded in.

Chair Hall and Commissioner Egan discussed approving the six-month review without the dance and sports classes.

Commissioner Clark noted that the sports and dance classes are included in the Parent Handbook.

There was a discussion about paving the dirt area for parking and Mr. Lee noted the applicable condition about the same.

Commissioner Righeimer discussed with Mr. Harrison about the number of kids and it was noted that the preschool ends at 3:30 p.m. and the dance and sports classes end at 4:15 p.m.

Mr. Harrison said he had nothing further, and Senior Planner Mel Lee had no other comments.

Beth Refakes said she wants the activities and traffic, etc., defined.

Ruby Wilbur returned to the podium. She said the kids should be gone at 3:30 p.m.

Chair Hall closed the public hearing.

MOTION: Approve six-month review of Master Plan PA-06-25, by adoption of Planning Commission Resolution PC-07-19 to allow an additional 30 students in the afternoon session.

Moved by Commissioner Eleanor Egan, seconded by Commissioner Sam Clark.

During discussion on the motion, Commissioner Egan, Commissioner Clark, and Commissioner Righeimer commented on the dance and sports classes after 3:30 p.m.

Commissioner Egan changed her motion to approve the Master Plan PA-06-25 with no changes.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fidler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

4. [Planning Application PA-06-67, for Morse-Boudreaux Architects, authorized agent for property owners Craig and Jeff Hermann, for a master plan of a 5-unit, three-story, attached multi-family residential condominium development, located at 1974 Meyer Place, in the Mesa West Residential Ownership Urban Plan, Mixed-Use Development overlay zone, and R2-HD zone. Deviations from minimum lot size,](#)

parking, lot coverage, open space, rear yard coverage, landscape parkway, and front/side/rear setback requirements are requested. Environmental determination: exempt.

Senior Planner Claire Flynn gave a presentation.

Commissioner Egan and Senior Planner Claire Flynn discussed the green deck and access limitations. Vice Chair Fisler and Ms. Flynn spoke about energy-efficient conditions for this project and all projects. Ms. Flynn indicated that the current design was not accessible.

Vice Chair Fisler asked Senior Planner Claire Flynn about energy-efficient conditions for this project and all projects.

Craig Hermann, property owner, Lake Forest, explained the proposed project and said he would be using energy-efficient appliances. Michael Boudreaux, authorized agent, elaborated on the project's architecture. They were both in agreement with all the conditions.

Commissioner Egan and Mr. Boudreaux discussed the landscape maintenance on the green deck, including using low maintenance plants, shrubs, etc., and benefiting all that used the deck.

Mr. Hermann and Mr. Boudreaux noted to Commissioner Clark and Commissioner Egan that no access ramps could be placed for the green deck and the night-time lighting would be minimal.

Patricia Shouda, Costa Mesa, stated her concerns about traffic on the street and children at play nearby, but supported the project.

Walt, Costa Mesa, relayed drainage concerns if a block wall is constructed, and flooding concerns, but noted that the proposed project was a beautiful plan. City Engineer Ernesto Munoz said the hydrology plans would be required.

Angel Lopez, Costa Mesa, spoke about privacy concerns and how this project will affect his property.

Mr. Hermann and Mr. Boudreaux returned to the podium and agreed to a hydrology study, working with the neighbors regarding line of sight visibility, and using energy efficient appliances.

Commissioner Clark and Ms. Flynn discussed a requirement for an 8-foot block wall along the rear property line.

There was a discussion and agreement to adding conditions to this project related to energy-rated appliances and a hydrology study.

MOTION: Approve Planning Application PA-06-67, by adoption of Planning Commission Resolution PC-07-20, subject to conditions in Exhibit “B”, including the following additional conditions:

Conditions on Approval

- 38. Energy efficient exterior doors and windows shall be installed on all building elevations.**
- 39. Install appliances, water heaters, and light fixtures with Energy Star or better rated appliances and fixtures including a programmable heating system.**
- 40. The applicant is to work with staff to mitigate any line of sight issues with the neighbors.**
- 41. The developer shall submit a hydrology/hydraulic study for review/approval by the City Engineer prior to issuance of grading permits.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

MOTION: To require future residential projects to include energy efficient doors and windows and to install appliances with Energy Star or better rating.

Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

The Chair called a brief recess and the meeting resumed at 10:02 p.m.

5. [Planning Application PA-06-68, for Jim Cefalia, authorized agent for Joe and Stella Cefalia, for a design review of a 2-unit, 2-story residential common interest development with variances from front yard setback requirements \(20 ft. required; 10 ft. proposed\), rear yard setback requirements \(20 ft. required; 5 ft. proposed\), and rear yard lot coverage requirements \(355 sq. ft. allowed; 585 sq. ft. proposed\), located at 2590 Orange Avenue, in an R2-MD zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee gave a presentation. Chair Hall and Mr. Lee discussed the first slide, with the property split in two lots, and side yard.

Commissioner Righeimer and Senior Planner Mel Lee discussed the side yard and zoning.

Jim Cefalia, applicant, Newport Beach, discussed the project and said all the setbacks are the same. He noted to Commissioner Righeimer that there are currently two curb cuts on Orange Avenue. There also was a discussion concerning 206 Susannah Place.

Planning Commission Secretary Mike Robinson and Mr. Cefalia discussed the project, and Mr. Cefalia agreed to the conditions of approval.

The architect for the project gave a presentation.

Norm Viass, Costa Mesa, spoke in opposition to the project concerning its size and variance concerns.

Richard Nelson, Costa Mesa, showed pictures comparing this project and its massiveness to the neighboring residences, noting that this project is too big for the neighborhood. He also mentioned the Zoning Code and how the project does not meet the purpose and intent of the code.

Victor Packem, Costa Mesa, mentioned parking concerns and the safety problem while exiting in addition to losing two necessary off-site parking places.

Erin Nelson, Costa Mesa, said there is no justification for this development, and does not support the project.

Another Costa Mesa resident spoke in opposition to the project and it not complying with the codes.

Mr. Cefalia was asked to return to the podium and he and the architect noted the living area is substantially smaller, and the photos shown were inaccurate.

Commissioner Righeimer, Mr. Cefalia, and the architect discussed the building project.

Chair Hall closed the public hearing. Senior Planner Mel Lee mentioned to Vice Chair Fisler that there are eight parking spaces for the entire project.

MOTION: Deny Planning Application PA-06-68, by adoption of Planning Commission Resolution PC-07-21, based on evidence in the record and findings contained in Exhibit "A".

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

During discussion on the motion, Commissioner Clark and Chair Hall gave their support of the motion; Commissioner Righeimer stated his opposition to the motion; and Vice Chair Fisler discussed Finding A.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark, and Commissioner Eleanor Egan
Noes: Commissioner James Righeimer
Absent: None.

6. [Planning Application PA-06-71, for Robert Shine, for a variance from required minimum garage width requirements \(10 ft. minimum required; 8 ft., 9 in. proposed\) to allow the conversion of a 2-car garage and 1-car garage to 3, 1-car garages, located at 773 Scott Place, in an R3 zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih noted that the applicant asked for a continuance to the February 26th meeting.

Chair Hall asked if anyone wished to speak on this item prior to the meeting of February 26, and no one wished to speak, so the public hearing was closed.

MOTION: Continue to the Planning Commission meeting of February 26, 2007.

Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

7. [Rezone Application R-06-05, for Peter Zehnder, authorized agent for Danny, John, and Stephen Foley, to rezone property from R2-HD to R3 to accommodate a future 18-unit residential project, located at 811 Paularino Avenue. Environmental determination: exempt.](#)

Associate Planner Wendy Shih gave a presentation. In a response to Commissioner Egan's question about required parking, Ms. Shih replied approximately three parking spaces per unit.

Peter Zehnder, authorized agent, Newport Beach, gave a presentation.

In response to Commissioner Egan's question about the water table, Mr. Zehnder replied he would be working on the water table with City Engineer Ernesto Munoz.

In response to Mr. Zehnder's question about Council's involvement, Chair Hall replied that it relates to land use.

William Spurgeon, Costa Mesa, came forward with a petition opposing the project citing parking and traffic concerns.

Suzanne Richmond, Costa Mesa, spoke about parking, density, and the structural integrity of the building.

In reply to Chair Hall's question relating to grading and retaining walls, City Engineer Ernesto Munoz replied that a review was needed by the Building Official.

Mr. Zehnder noted to Chair Hall and Associate Planner Wendy Shih that he was providing more than enough parking onsite and the units would be for-sale units. Chair Hall closed the public hearing.

MOTION: Recommend City Council give first reading to the ordinance for Rezone R-06-05 by adoption of Planning Commission Resolution PC-07-22.

Moved by Commissioner Eleanor Egan, seconded by Commissioner Sam Clark.

During discussion on the motion, Vice Chair Fidler and Chair Hall gave their support for the motion. Commissioner Clark said that this item is a re-zone.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fidler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righimer

Noes: None.

Absent: None.

XI. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Mike Robinson welcomed the two new Planning Commissioners.

XII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

XIII. ADJOURNMENT TO THE MEETING OF MONDAY, FEBRUARY 26, 2007.

There being no further business, Chair Hall adjourned the meeting at 11:26 p.m. to the Planning Commission meeting of February 26, 2007.

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