

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
July 23, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., July 23, 2007, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Hall.

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

Vice Chair Fisler led the Pledge of Allegiance.

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

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

Absent: None.

Also Present: Planning Commission Secy. R. Michael  
Robinson

Deputy City Attorney Tom Duarte  
Acting City Engineer Fariba Fazeli  
Building Official Khanh Nguyen  
Principal Planner Kimberly Brandt  
Senior Planner Mel Lee

III. MINUTES: Minutes for the meeting of July 9, 2007

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

The Vice Chair asked the Commission members if there were any objections to moving Public Hearing Item No. 3 (an item recommended to be continued) before Item No. 1. There were no objections.

VI. PUBLIC HEARINGS:

3. From the meeting of July 9, 2007, Planning Application PA-06-74, for Richard Su, authorized agent for Carrie Wang and Yukie Takeuchi, for a design review to construct a 3-unit, 2-story small lot common interest development with variances from minimum and average lot sizes (3,000 sq. ft. minimum with overall average of 3,500 sq. ft. required; 2,488 sq. ft. minimum with overall average of 2,886 sq. ft. proposed) and driveway parkway landscaping (10 ft. combined with 5 ft. minimum on house side required; 6 ft. combined with 3 ft. on house side proposed), and minor modifications for a 16 ft. front setback (20 ft. required), 8 ft. building separation (10 ft. required), and minimum 13 ft. driveway width (16 ft. required), located at 134 Santa Isabel Avenue, in an R2-MD zone. Environmental determination: exempt.

The Chair asked if anyone wished to speak on this item that would not be able to attend the meeting of August 13, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting of August 13, 2007.**

**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 Fidler, Commissioner Sam Clark  
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

1. [Appeal of Zoning Administrator's approval of a time extension for Zoning Application ZA-06-48, for Susan A. Kline Trust, modifying Conditional Use Permits PA-86-103 and PA-86-121 to allow weekday curbside drop-off and pick-up for Kline School and to allow up to five staff vehicles to park on the street for an interim period, located at 320 E. 18th Street, in an I & R zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and there were no questions asked of staff.

The Chair asked the appellants to come forward to the podium. Beth Refakes, appellant, Costa Mesa, explained her opposition to the time extension and stated the negative impacts on the surrounding residents. She provided additional information to the Planning Commission members and displayed overhead pictures.

Howard Denghausen, appellant, Costa Mesa, stated that this time extension encourages other businesses to do the same; provides no incentive for the school to re-locate; and noted the calculated trips.

Dee Ward, appellant, Costa Mesa, displayed pictures on the overhead, and spoke about traffic congestion on 18th Street.

Susan Kline, applicant, owner of Kline School, said she is still searching for another location for the school and noted she has been considerate of her neighbors. She provided a video, showing a typical afternoon of pickup procedures and noted the number of cars (trips) per day.

Ms. Kline also provided additional information and pictures to the Planning Commission from neighbors who would allow parking at their property, including Harper School. She noted that she wants to find a new site for the school and said she was disappointed that the appellants did not speak with her prior to appealing the extension.

Julie Kramer, Costa Mesa, spoke in favor of Kline School's time extension.

Greta Anderson, Costa Mesa, whose child attends Kline School, spoke in favor of Kline School's time extension.

Ryan Dwight, Costa Mesa, whose two children attended Kline School, spoke in favor of the time extension for Kline School.

Greg Belous, Costa Mesa, spoke in opposition to the time extension.

Donald R. Ward, Costa Mesa, spoke in opposition of the time extension, noting that parking is very important for business.

Sheila Packard, Costa Mesa, stated that the video is not accurate and opposed the time extension.

The Chair closed the public comments.

Commissioner Egan stated she could not approve a site with zero parking and would like to make a motion. The Chair asked to let the other Commissioners speak first.

Senior Planner Mel Lee explained to Commissioner Righeimer that the condition of approval could be worded allowing staff to park in neighbors'

driveways. Commissioner Righeimer said he is strict about parking, but does not want to close the school in August.

The Chair and Commissioner Egan discussed with Ms. Kline about getting an easement or irrevocable license with her neighbors to allow parking.

Vice Chair Fidler, Commissioner Egan, Senior Planner Mel Lee, and Planning Commission Secretary Mike Robinson discussed the conditional use permit running with the land and parking needs (five parking spaces for staff).

The Chair and Commissioner Clark discussed with Mr. Lee and Deputy City Attorney Tom Duarte about the conditional use permit and Mr. Duarte said the Commission has the authority to recall and revoke the conditional use permit.

Vice Chair Fidler said he would be in favor of the one-year time extension if the parking could be secured.

Commissioner Clark and Commissioner Egan discussed with Mr. Duarte and Principal Planner Kimberly Brandt about renoting for a continuance and the timing involved. Mr. Lee explained to the Chair about the onstreet and offstreet parking mentioned in the staff report. There was another discussion about extending the conditional use permit to the second meeting in August and the concerns of the school being shutdown.

The Chair asked Ms. Kline about the abandonment of the conditional use permit for curbside parking.

Commissioner Egan discussed with Ms. Kline about providing an agreement for the negotiated parking spaces by the second meeting in August. Mr. Robinson and Mr. Duarte discussed offsite parking being provided and the minor conditional use permit no longer being needed. Mr. Duarte stated that the Planning Commission has the discretion.

Vice Chair Fidler and Commissioner Clark asked for an explanation of the conditional use permits and Mr. Lee explained that there is one for the school site and one for the offsite parking.

**MOTION: Continue to the Planning Commission meeting of August 27, 2007 for the purpose of providing public notice to consider a conditional use permit for offsite parking.**

**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 Fidler, Commissioner Sam Clark  
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

The Chair called a recess at 8:19 p.m. and resumed the meeting at 8:30 p.m.

2. [From the meeting of July 9, 2007, Zoning Code Amendment CO-07-01, regarding development standards and review procedures for conversions of apartments to residential common interest developments and non-residential projects to common interest developments. Environmental determination: exempt.](#)

Principal Planner Kimberly Brandt reviewed the information in the staff report; displayed overhead pictures of converted condominiums; and responded to questions from the Commission relating to Mesa Consolidated Water District's letter, US energy requirements, and current Plumbing Code requirements.

Building Official Khanh Nguyen explained to Commissioner Egan about the EPA requirements and that new construction complies with the current Plumbing Code.

The Chair spoke about water conservation and Mr. Nguyen explained to Commissioner Egan that we require fire resistant roofing, Class "B" or Class "A" roofing.

Harvey Berger, Berger Development Company, said he is looking into solar roof tiles for a project he will be working on to reduce electricity demand. He said we should not eliminate the 40-year prohibition and need quality conversions. He mentioned that he thinks the parking problem is due to the overcrowding of illegal residents in apartments. He noted that Mayor Pro Tem Bever brought up an offer for density bonuses. He also suggested that older properties should have less stringent parking requirements and discussed common water heaters for projects.

Jean Forbath, Costa Mesa Housing Coalition, spoke about the vacancy rate and housing needs. She read a statement concerning the housing needs of all residents in Costa Mesa, including low income residents. She also noted the diminished housing for low income residents and the critical vacancy rate.

The Chair closed the public comments. Principal Planner Kimberly Brandt explained to the Vice Chair that the State law does include common interest developments, but can apply for density bonuses.

Ms. Brandt explained to Commissioner Clark about the 3% vacancy rate and said the data to determine the rate is almost 10 years old. She stated that Costa Mesa is 60% rental and there are many factors involved. Commissioner Clark mentioned his appreciation of Ms. Forbath's comments and said he is concerned about low income senior citizens being displaced by condominium conversions. He also said he wants to increase parking requirements and noted we are half a parking space short.

Commissioner Righeimer began to discuss his list of issues (dated July 23, 2007) regarding the ordinance and started to make a motion, but the Chair suggested that they go through the entire list.

The Commission proceeded to go through and discuss in detail each of Commissioner Righeimer's items listed relating to the ordinance and discussed the Draft Prescriptive Standards' items on Page Nos. 32 and 33 of the Supplemental Memorandum prior to submotions being made. Mr. Duarte and Ms. Brandt contributed to the discussion.

SUBMOTION: Accept items commented on in Commissioner Righeimer's letter (memo) dated July 23, 2007, as follows:

**Minimum Parking Standard (B):**

1.5 spaces for a studio or 1 bedroom unit.  
2.5 spaces for 2 bedrooms or more bedroom units.

**CC&R's (City Attorney to rewrite):**

City of Costa Mesa shall be party to the CC&R's with regards to enforcement of all parking spaces in garages.

**Minimum Open Space (Overall):**

No less than 75% ~~50%~~ of the required amount.

**Sunset Clause:**

This ordinance shall "Sunset" four years after its enactment unless extended by an action of the City Council.

**Underground Utilities:**

All utilities shall be undergrounded (onsite).

**Property Age Limitation:**

~~Properties over 40 years of age will do the following:~~

Replace all electrical wiring, outlets, switches, interior lighting (Title 24), subpanels, and exterior lighting to comply with current code.

Replace all above ground plumbing per current code ~~add tankless water heaters~~, and plus washer/dryer hookups. Also, camera test the sewer line and replace if needed; add main sewer clean-outs; and complete a water test.

Replace all gas lines per current code (interior and



exterior) and conduct a pressure test.

Install new ducting as needed, registers, and gas efficient HVAC's.

~~Check all framing for integrity and replace if needed.~~

Install all new double paned low E glass windows and exterior doors.

~~Replace all insulation.~~

~~Install new energy efficient appliances.~~

Install new sinks, facets, toilets, and tubs.

~~Install new cabinets and granite and travertine countertops.~~

Install new stucco; paint and carpet as needed.

~~Replace all drywall with soundboard.~~

~~Replace upstairs floor and downstairs ceilings with either 3/8 inch particle board, R-19 insulation, or 5/8 inch drywall.~~

Waterproof all exterior landings, staircases, and balconies.

~~Either replace the composition flat roof or provide reserve funding for future roof replacement by the developer.~~

~~Underground all Utilities.~~

Moved by Chair Donn Hall, seconded by Commissioner Eleanor Egan; 5-0.

SUBMOTION: Accept Draft Prescriptive Standards on Page Nos. 32 and 33 of Supplemental Memorandum dated July 16, 2007 with the amendment to Item No. 10 that buildings after 1980 would not be required to file an asbestos report; an amendment to Item No. 7 to replace the word "installations" with the word "systems"; and a minor amendment to change the word "licensed" to

"registered".

Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer; 5-0.

During discussion on this submotion, Ms. Brandt confirmed with Commissioner Egan that she would apply the amended wording to the ordinance. The mover and second accepted the amendments.

SUBMOTION: Modify Suggestion No. 3 of the Supplemental Memorandum to read, as follows: "However, a finding has been added to the draft ordinance to allow deviation if the project exhibits excellence and it is impracticable to bring the project up to zoning code requirements."

Moved by Commissioner Eleanor Egan, seconded by Chair Donn Hall; 5-0.

SUBMOTION: Amend Code to delete maximum age of building of 40 years and delete Critical Vacancy Rate of 3%.

Moved by Vice Chair James Fisler, seconded by Chair Donn Hall; 5-0.

SUBMOTION: Require payment of Park Impact Fees regardless of age of units.

Moved by Commissioner Eleanor Egan, seconded by Commissioner Sam Clark; 5-0.

SUBMOTION: Place required wording per Mesa Consolidated Water District's e-mail dated July 23, 2007 for individual meters for the units.

Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer; 5-0.

SUBMOTION: All changes are to be incorporated by staff and reviewed at the next meeting of August 13, 2007 under Draft Ordinance dated August 16, 2007.

Moved by Commissioner James Righeimer, seconded by Commissioner Sam Clark; 5-0.

SUBMOTION: Solar roofing shall not be required, but only as an advisory item.

Moved by Chair Donn Hall, seconded by Commissioner Sam Clark; 5-0.

Commission members, Ms. Brandt, and Mr. Robinson discussed nonresidential conversions in overlay areas and the Council giving direction on this policy-level decision.

**SUBMOTION:** Adopt the three bullet items for Non-Residential Conversions (as shown on the overhead screen), as follows: Establish a discretionary review procedure for ALL non-residential conversions and new common interest developments; establish review standards for new projects and conversion projects; and codify various Life Safety Standards for conversion projects; with the additional wording that industrial to industrial conversions would not be allowed unless the conversion was going towards mixed use or residential use.

Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan; 5-0.

During discussion of the submotion, Commissioner Egan discussed conversions in the overlay zone; the Master Plan process; and standards of the overlay zone. Ms. Brandt said there is no discrimination of the zoning districts. All uses are allowed. Commissioner Clark noted that conversions should be allowed only if the project is brought into more compliance in the overlay zone.

**MOTION: Continue to the Planning Commission meeting of August 13, 2007 for staff to bring back the draft ordinance reflecting Commission's direction.**

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

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.

**VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

None.

**VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.**

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, AUGUST 13, 2007.**

There being no further business, Chairman Hall adjourned the meeting at 10:27 p.m. to the Planning Commission meeting of Monday, August 13, 2007.

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