

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
September 10, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., September 10, 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.

Commissioner Clark 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
City Engineer Ernesto Munoz
Principal Planner Kimberly Brandt
Senior Planner Mel Lee
Associate Planner Wendy Shih

III. PRESENTATION TO PLANNING COMMISSION SECRETARY R. MICHAEL ROBINSON

Chair Hall presented a plaque to Planning Commission Secretary Mike Robinson in honor of his 34 years of service to the City. Pictures were taken with the Commission, Planning staff, and Mr. Robinson's family.

IV. MINUTES: Minutes for the meeting of August 27, 2007

The Chair approved the minutes as distributed.

VI. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Clark thanked Mr. Robinson for his years of service to the City. He also asked that we remember September 11 and those who sacrificed their lives for our country.

Vice Chair Fidler also thanked Mr. Robinson and said he would be missed. In addition, he commented about the condominium conversion ordinance that the City Council is considering and said he is concerned about affordable units. He hopes the City Council does not pursue that path.

The Chair reminisced on how Mr. Robinson has helped him in the past 30 years.

V. PUBLIC COMMENTS:

Mark Abrams, Costa Mesa, began to speak concerning Public Hearing Item No. 4, but the Chair reminded him to make his comments during the public hearing for that item.

VII. PUBLIC HEARINGS:

1. From the meeting of August 13, 2007, Planning Application PA-07-13 and Tentative Tract Map T-17180, for Albert Armijo, authorized agent for D'Alessio Investments, to construct a five-unit, two-story, detached residential common interest development that does not meet the Residential Design Guidelines for second-to-first floor ratio for at least three of the units (80% recommended; 86% to 92% proposed) and for second floor side setback for at least one of the units (10-foot average recommended; 6.5-foot average proposed), with a tentative tract map to facilitate the project, located at 1758 through 1764 Anaheim Avenue, in an R2-MD zone. Environmental Determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and showed photographs. This item was continued from the meeting of August 13 for the applicant to remove the illegal storage of boats on the property.

Mr. Lee responded to a question from the Commission regarding this item being continued another 30 days.

Albert Armijo, representing D'Alessio Investments, responded to the items mentioned in Derek Jaeger's public comment e-mail saying he disagreed with his request for no setback variance; will provide a six-foot block wall instead of the eight-foot wall he requested; will raise windows; cannot comment on Code Enforcement enforcing violations daily; and stated that they should be allowed to work on Saturdays according to the code. Mr. Armijo asked that Condition No. 14 be reworded so that the fencing shall be provided in a manner acceptable to the Planning Division.

Mr. Armijo and Commissioner Righeimer discussed the wording of Condition No. 14.

Mr. Armijo explained to the Chair that the height of wall he is proposing is six feet.

Captain David W. L. Hilchey, tenant, explained the history of his service to his country, mentioned in

detail his situation as a tenant, and provided pictures.

In response to a question from the Chair on how long it would take to move everything off the property, Mr. Hilchey replied 90 days.

Mr. Hilchey explained to Commissioner Righeimer that the trailers on the property are his.

Jeff Martin, Costa Mesa, who lives behind the property, said he spoke with Mr. D'Alessio and their differences have been pretty much settled. He agrees in allowing Mr. Hilchey 90 days to move his belongings.

Derek Jaeger, Costa Mesa, who lives next door, said he met with Mr. D'Alessio, but no concrete solutions were made from that meeting. He mentioned his concerns about the block wall, privacy issues, and wants the windows raised.

Natalie Jaeger, Costa Mesa, spoke about her concerns, including the noise factor, privacy issues, and that no work be performed on Saturdays.

Dennis D'Alessio, owner, thanked Mr. Robinson and then read a statement, noting his displeasure of comments made about him. He mentioned his discussion with the neighbors; he explained the Code Enforcement situation; and said that Mr. Hilchey has not been cited by Code Enforcement. He also said he gave Mr. Hilchey a 30-day notice.

In response to a question from the Chair if 90 days would be acceptable, Mr. D'Alessio said it would be acceptable.

Commissioner Egan discussed with Mr. D'Alessio about the cars crossing the pedestrian path; ensuring the safety of children at play; and cars traveling down the alley to the garage.

Commissioner Clark discussed with Mr. D'Alessio the height of the windows and working

with the neighbors. Mr. D'Alessio agreed to raise the windows and agreed to work with the neighbors.

Chair Hall, Commissioner Righeimer, and Commissioner Clark discussed the project and said they appreciated the efforts being made by Mr. D'Alessio.

The Chair and Mr. Armijo discussed Condition No. 14.

Mr. Martin returned to the podium and spoke about an 18" high retaining wall and drainage to the alley.

City Engineer Ernesto Munoz explained to the Chair that Public Services needs to review the grading plan for this project before any considerations are made.

Mr. Jaeger returned to the podium and stated that the portable trailers are visible over the wall.

The Chair closed the public hearing.

MOTION: Approve Planning Application PA-07-13 and Tentative Map T-17180, by adoption of Planning Commission Resolution PC-07-60, based on the findings contained in Exhibit "A", subject to the conditions in Exhibit "B", with the exception of Condition No. 14, changing the first sentence to read, "6-foot block walls or similar fencing shall be provided along all perimeter lot lines, subject to approval by the Planning Division." The additional conditions are to be added, as follows:

Conditions of Approval

17. The site shall be inspected by Code Enforcement 60 days from the date of approval. Building permits shall not be issued until the site has been inspected and cleared by Code Enforcement.

18. A latching, but not locking, pedestrian gate or equivalent safety device shall be provided across the pedestrian path in front of Unit 5.

19. Second story bedroom windows for the north (rear) elevation for Plan 5 shall be raised a minimum of 4.5 to 5 feet, subject to review by Planning staff.

Moved by Commissioner Sam Clark, seconded by Chair Donn Hall.

During discussion on the motion, Commissioner Egan asked that a condition be added that Building permits not be issued until Code Enforcement clearance has been provided. Both the maker of the motion and the second agreed to this condition.

Commissioner Righeimer noted that Code Enforcement should go out 60 days from tonight for inspection. The maker of the motion and the second agreed.

Commissioner Egan mentioned there should be one more condition, that a latching, but not locking, pedestrian gate or equivalent safety device be provided across the pedestrian path in front of Unit 5. This was also agreed to by the maker of the motion and the second.

Mr. Lee explained to Vice Chair Fidler that a specific condition should be added addressing second story windows. Both the maker of the motion and the second agreed.

Mr. Armijo replied to the Chair that he agreed with all the additional conditions, but suggested that Unit 5 should only be addressed with regards to the window issue.

The Chair, Commissioner Egan, Commissioner Clark, and Commissioner Righeimer discussed the window issue and the Chair stated just Unit 5 should be involved. Mr. D'Alessio agreed.

Mr. Lee explained to Commissioner Egan that the perimeter fencing is to be of vinyl or wood.

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.

2. [Wyndham Boutique Hotel/High-Rise Residential Project, for Howard Zelefsky of Makar Properties, for property at 3350 Avenue of the Arts, in a PDR-HD \(Planned Development Residential - High Density\) zone. Environmental determination: Final EIR No. 1054.](#)
 - a) **Final Environmental Impact Report No. 1054, consisting of a comprehensive analysis of the environmental impacts and any required mitigation measures for the proposed project pursuant to State law.**
 - b) **General Plan Amendment GP-06-03, to amend the Land Use Element of the Costa Mesa 2000 General Plan to incorporate provisions for high-rise residential development in the project area.**
 - c) **Specific Plan Amendment SP-06-02, to amend the North Costa Mesa Specific Plan (NCMSP) to establish development standards and other related provisions in the NCMSP.**
 - d) **Final Master Plan PA-06-75, for major renovation of the existing Wyndham Hotel site including: a reduction in hotel rooms from 238 to 200 rooms; construction of a 23-story high-rise residential building with 120 for-sale condominium units, a lounge/bar, and ancillary retail uses; and demolition of existing parking structure and construction of a new seven-level, 480-space parking structure.**

e) Vesting Tentative Tract Map VT-17172, for the subdivision of the property for condominium purposes.

Planning Commission Secretary Mike Robinson said that staff is still working on the final design for this project.

The Chair asked if anyone wished to come forward to speak on this item that will not be able to attend the meeting of September 24. No one wished to speak and the Chair closed the public hearing.

MOTION: Continue to the Planning Commission meeting of September 24, 2007.

Moved by Chair Donn Hall, 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.

The Chair called a recess at 8:00 p.m. and resumed the meeting at 8:11 p.m.

3. [Planning Application PA-06-70 and Parcel Map PM-06-283, for George Divanathan, to convert 4 apartment units to a one-lot airspace residential common interest development with a variance from minimum private open space dimensions for one of the units \(10 ft. required; 7 ft., 9 in. proposed\), an administrative adjustment to allow a reduction in front landscape setback to accommodate new parking spaces \(20 ft. required; 13 ft. proposed\) and a parcel map to facilitate the conversion, located at 534 Bernard Street and 1971 Charle Street, in an R2-HD zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the

Commission regarding second floor private open space patios and the proposed parking spaces.

George Divanathan, applicant, agreed to all the conditions of approval.

Mr. Divanathan replied to Commissioner Clark and Commissioner Righeimer that two new roofs would be provided and he agreed to the additional standards of the proposed ordinance, Pages 11(e) through 17.

The Chair, Vice Chair Fisler, Commissioner Righeimer, and Mr. Lee discussed the additional standards and removing Standard No. 8.

Mr. Divanathan agreed to the deletion of Standard No. 8.

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

MOTION: Approve Planning Application PA-06-70 and Parcel Map PM-06-283, by adoption of Planning Commission Resolution PC-07-61, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", including the additional pages of the proposed ordinance submitted to the City Council, Sec. 13-42, Pages 11(e) through 17, striking Conversion Standard (h)(8), and striking the word "either" in Condition No. 21 on Page 13 of the staff report.

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 made an additional comment for the record that Pages 11 through 17 are from Section

13-42 of the proposed ordinance submitted to the City Council.

4. [Planning Application PA-07-03 and Tentative Tract Map T-17123, for Jacob Sharp/D. Wooley and Associates, authorized agent for Maximillian Group, LLC, to convert six apartment units to a one-lot airspace residential common interest development and a tentative tract map to facilitate the conversion, located at 173 Broadway, in an R2-HD zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih reviewed the information in the staff report and there were no questions of staff.

Keith Scheinberg, representing Maximillian Group, LLC, agreed to all the conditions of approval.

Mr. Scheinberg discussed with Commissioner Righeimer about the number of bathrooms in the units.

Kent Riley, Costa Mesa, asked that the trees remain or that there be foliage up against the deck. He also asked that the gas meter be placed up against the block wall.

Mark Abrams, Costa Mesa, expressed his concern that there is not enough parking.

In response to a question from the Chair about the number of required parking spaces, Ms. Shih replied that this project is legal, non-conforming in respect to onsite parking.

Mr. Abrams reiterated his concern about parking.

Mr. Riley asked that the Saturday construction hours be changed to 9:00 a.m. - 5:00 p.m. instead of 8:00 a.m. - 6:00 p.m.

Glen Snively, Costa Mesa, spoke about privacy concerns and requested that the five-foot wall be raised to six feet.

Takayo Snively, Costa Mesa, also asked for the wall to be raised a foot and the Saturday construction hours be changed to 9:00 a.m. - 5:00 p.m.

Mr. Scheinberg said the wall is at least six feet tall; the square footage of the units is 1,000; and the 75-foot trees will be left in.

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

MOTION: Deny Planning Application PA-07-03 and Tentative Tract Map T-17123, by adoption of Planning Commission Resolution PC-07-62, on the basis (Findings) as follows:

Findings

A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(e) in that:

a. The project is not compatible and harmonious with existing development and uses in the general neighborhood. Specifically, it is substantially non-conforming with regards to parking and density, which makes it not suitable for conversion.

b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.

c. The project is not consistent with the General Plan.

d. The cumulative effect of all the planning applications has been considered.

B. The subject property is not physically suitable to accommodate T-17123 in terms of type, design and density of development as indicated in Finding "A".

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and

the City environmental procedures, and has been found to be exempt from CEQA under Section 15301.

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

Commissioner Clark and Commissioner Egan agreed with previous comments and said the project is too dense.

The motion carried by the following roll call vote:

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

Noes: Chair Donn Hall

Absent: None.

The Chair stated the appeal process.

5. [Planning Application PA-07-21 and Parcel Map PM-07-175, for Brad Smith, authorized agent for Wade Tift, for a design review to construct a new two-story residence behind an existing single-family residence that does not satisfy the recommended 80% second-to-first floor ratio \(92% proposed\) and the recommended 10 ft. average second-story side setback \(5 ft. proposed\), with a variance from driveway parkway landscaping requirements \(3 ft. minimum required on one side; 2 ft. proposed\), a residential common interest development conversion to convert the existing single-family residence and a parcel map to facilitate the subdivision of the lot for \(2-unit\) airspace condominium purposes, located at 225 16th Place, in an R3 zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih reviewed the information in the staff report and responded to questions from the Commission regarding the variance from driveway parkway landscaping requirements and the side setback.

Wade Tift, owner, agreed to all the conditions of approval and gave a presentation.

Ms. Shih discussed with Commissioner Clark concerning the rear unit and the distance for backing up onto 16th Street, and its vehicle traffic. Ms. Shih noted that Transportation Services has determined that backing a vehicle out onto 16th Street is not a problem.

Mr. Tift explained to the Chair that a three-point turn could be made from the rear unit to exit the property in order to exit the property in a forward motion.

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

MOTION: Approved Planning Application PA-07-21 and Parcel Map PM-07-175, by adoption of Planning Commission Resolution PC-07-63, based on the 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 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.

6. [Planning Application PA-07-25, for Susan Kline, authorized agent for Girl Scouts Council of Orange County, for a conditional use permit for a private school, grades K through 8, with an outdoor play area, located at 1620 Adams Avenue, in a C1 zone. Environmental determination: exempt.](#)

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

Susan Kline, applicant, gave a presentation and asked that she be granted a conditional use permit for the school.

Ms. Kline explained to Commissioner Righeimer that the school would be ready to be opened in two to three weeks.

Charlotte Chamberlin, Costa Mesa, who lives behind the property, stated noise and traffic concerns.

David Wilson, C.J. Segerstrom & Sons, said he is pleased with the applicant's commitment to this project and gives his support to same.

Julie Kramer, Costa Mesa, noted that Ms. Kline follows through on her commitments and supports the project.

Ms. Kline mentioned that the children do play in small groups and there is a large buffer zone between the playground and the residences.

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

MOTION: Approve Planning Application PA-07-25, by adoption of Planning Commission Resolution PC-07-64, based on the findings contained in Exhibit "A", subject to the conditions in Exhibit "B", with Condition No. 10 being modified to read, " Prior to occupancy of the playground, . . ."
Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan.

During discussion on the motion, Commissioner Egan asked that Condition No. 10 be modified to read, "Prior to occupancy of the playground, . . ." The maker of the motion agreed to the modification.

Commissioner Righeimer said he is very pleased with the school opening up and noted that Ms. Kline works well with her neighbors.

Commissioner Clark mentioned to Commissioner Righeimer that during the motion he said PA-07-27 instead of PA-07-25. He also said he supports the

motion and believes that the children playing outside will not cause a disturbance.

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.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Planning Commission Secretary Mike Robinson said he appreciated the recognition and comments, and that it was a pleasure working for the City of Costa Mesa.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

Deputy City Attorney Tom Duarte congratulated Mr. Robinson on a great career, encompassing 34 years, and wished him good luck in his retirement.

X. ADJOURNMENT TO THE MEETING OF MONDAY, SEPTEMBER 24, 2007.

There being no further business, Chairman Hall adjourned the meeting at 9:21 p.m. to the Planning Commission meeting of Monday, September 24, 2007.

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