

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

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., October 22, 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 Righeimer 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. Kimberly Brandt
Deputy City Attorney Tom Duarte
City Engineer Ernesto Munoz
Principal Planner Willa Bouwens-Killeen

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

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

Martin Millard, Costa Mesa, noted his concerns for the vacant Mesa Del Mar Shopping Center site on El Camino Drive that has not been sold. He also said the City should acquire the beach property at the mouth of the Santa Ana River and this would promote Costa Mesa as a beach-close community. He reiterated that the Westside needs to be improved.

Mr. Millard gave some suggestions to the Commission relating to acquiring the beach property and following up on the status of the shopping center site.

In response to a question from the Chair concerning the status of the Mesa Del Mar Shopping Center site on El Camino Drive, Planning Commission Secretary Kimberly Brandt replied that she would return with a report to the Commission on the subject site by the next meeting. The Chair also mentioned that the County property, Banning Ranch, is being considered by the City Council as a possible property for Costa Mesa.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

In response to Vice Chair Fisler's inquiry about the status of the former Kona Lanes site on Harbor Boulevard, Planning Commission Secretary Kimberly Brandt replied that she would report back to the Commission on this property.

The Chair mentioned that some Costa Mesa engine companies had been dispatched to the nearby fires; however, all the fire stations in Costa Mesa are manned and operational.

VI. PUBLIC HEARINGS:

1. Planning Application PA-06-76, for Red Mountain Retail Group, authorized agent for Baker Street Retail LLC, for a master plan to construct 22 loft-style residential units over an existing 14,487 square-foot commercial building, with 900 square feet of new storefront retail space, for a 4-story mixed use project that exceeds the maximum building height (60 feet allowed; 64 feet proposed) and building setbacks (10 feet allowed; 0 feet proposed), in conjunction with a reduction in on-site parking spaces based upon shared parking requirements, existing shared valet parking with an abutting commercial use, and modified ramp slopes within a proposed two-level parking structure, for property located at 801 Baker Street, in the SoBECA (South Bristol Entertainment and Cultural Arts) Urban Plan Overlay and C1 zone. Environmental determination: Mitigated Negative Declaration.

The Chair asked if anyone wished to speak on this item that would not be able to attend the meeting of November 13.

Mr. Millard, Costa Mesa, asked why this item was being recommended for continuance and said he would like to see the project plans.

**MOTION: Continue to the Planning Commission meeting of November 13, 2007.
Moved by Vice Chair James Fisler, 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.

2. Planning Application PA-07-05, for Leonard Bekemeyer, authorized agent for Nick Kareotes, for a design review to

construct a 3-unit, 2-story condominium building behind an existing single-family residence (existing structures at rear to be demolished) that does not meet the Residential Design Guidelines for second-to-first floor ratio (80% maximum recommended; 124% proposed) and second floor left side setback (10 ft. average recommended; 8 ft. average proposed), with variances from open space (40% required; 38% proposed) and driveway parkway landscaping requirements (10 ft. combined width required; 3 ft.-8 ft. proposed), and a residential common interest development conversion to convert the exiting single-family residence into a condominium unit for a 4-unit common interest development, located at 390 West Bay Street, in an R3 zone. Environmental determination: exempt.

Principal Planner Willa Bouwens-Killeen reviewed the information in the staff report.

Leonard Bekemeyer, agent for Nick Kareotes, agreed to all the conditions of approval.

Mr. Bekemeyer explained to Vice Chair Fidler that he did not want to decrease the footprint of the back unit, because of its already relatively small size, to meet the open space requirement and noted the narrow size of the lot.

Mr. Bekemeyer replied to Commissioner Clark's question on second to first floor ratio and how this relates to the proposed carports.

Ms. Bouwens-Killeen explained to Commissioner Clark carports, first to second floor ratios, and second floor overhangs.

In response to Commissioner Righeimer's question regarding the design of the project, Ms. Bouwens-Killeen replied that staff believes this project satisfies the intent of the Residential Design Guidelines.

Mr. Bekemeyer clarified to Commissioner Egan that they needed the ground level unit in the rear.

Commissioner Righeimer and Ms. Bouwens-Killeen discussed the driveway variance, dimensions of the lot, and open space.

The Chair, Commissioner Egan, and Ms. Bouwens-Killeen discussed open space and the carport issue.

Ms. Bouwens-Killeen explained to Commissioner Clark that the private open space is counted towards the project's open space requirement.

Mr. Bekemeyer explained to Vice Chair Fisler that he is aware of Finding "F" on Page 10 relating to sprinklers.

The Chair, Commissioner Egan, and Ms. Bouwens-Killeen discussed the amount of private open space proposed for all the units.

Mr. Bekemeyer had no further comments, and the Chair closed the public hearing.

MOTION: Approve Planning Application PA-07-05, by adoption of Planning Commission Resolution PC-07-75, based on the evidence in the record and modifications to the findings in Exhibit "A", subject to conditions contained in Exhibit "B", with the modifications to the findings, as follows:

Findings

A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(14)(a) in that although the proposed building itself incorporates architectural features to provide visual interest and the second story windows are placed to minimize privacy impacts on adjoining properties, ~~the project as a whole does not include provision of the minimum required open space.~~

B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(g)(1) because although special circumstances (nonconforming lot width) applicable to the property exist to justify approval of the variance from driveway parkway landscaping requirement, and landscaping is proposed on

both sides of a relatively short driveway thus minimizing visual impacts, they also ~~do not~~ exist to justify approval of the open space variance that is required to accommodate the project. ~~There have been many projects on nonconforming lots that are designed to meet the open space requirement. The nonconforming lot width and area do not preclude a project from providing adequate open space. The application of open space requirement would not deprive such property of privileges enjoyed by others in the vicinity under identical zoning classifications. Approval of an open space variance would constitute a grant of special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.~~

G. The narrow lot and the existing improvements constrain the design making a variance from total open space necessary.

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

During discussion on the motion, Commissioner Righeimer explained why he approved the project.

Vice Chair Fisler suggested that the last phrase of Finding "A" be removed after the word "properties." Both the maker of the motion and the second agreed.

Commissioner Egan added the finding, "The narrow lot and the existing improvements constrain the design making a variance from total open space necessary."

Commissioner Clark gave his support for the project.

The Chair thanked staff for all their efforts.

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.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

1. Solar Access Study.

Principal Planner Willa Bouwens-Killeen reviewed the information in the report.

Commissioner Egan explained that she would like a recommendation to City Council to adopt a policy relating to solar access and second story approvals and proceeded to make a motion.

MOTION: Recommend to City Council to consider adopting a policy relating to solar panel installation; decide course to follow; and instruct staff to verbally notify applicants or provide an informational sheet.

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

Commissioner Clark suggested adding wording to the motion for a handout to be provided on second-story guidelines, showing a set of criteria to be aware of. Commissioner Egan agreed.

In response to a question from Vice Chair Fidler regarding new development that already has a second story, Ms. Bouwens-Killeen replied that per the Residential Design Guidelines, the average second story setback is 10 feet and if there is an existing 5-foot side setback, the same setback can be used for the second story setback.

Ms. Bouwens-Killeen suggested that information regarding solar access could be included in the same packet that is currently provided to applicants, which contains the residential guidelines, zoning requirements, building heights, parking

requirements, and setback requirements. She also suggested stamping notice on the plans.

Vice Chair Fisler and Ms. Bouwens-Killeen discussed setbacks for trees and possible impacts on solar access.

Commissioner Clark mentioned that not only the applicant, but the neighbors should also receive the same packet.

Commissioner Egan stated that she would like some type of memorandum written. She withdrew her motion and made a new motion.

MOTION: Direct staff to prepare an advisory handout regarding placement of solar panels and to forward copies of the handout to both City Council and Planning Commission with a cover memo encouraging Council's consideration on this matter.

Moved by Commissioner Eleanor Egan, seconded by Chair Donn Hall.

During discussion on the motion, the Chair, Commissioner Righeimer, and Planning Commission Secretary Kimberly Brandt discussed the handout, second story concerns, and the advisory memo.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF TUESDAY, NOVEMBER 13, 2007.

There being no further business, Chairman Hall adjourned the meeting at 7:24 p.m. to the Planning Commission meeting of Tuesday, November 13, 2007.

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