

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
November 13, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., November 13, 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. Kimberly Brandt
Deputy City Attorney Tom Duarte
Acting City Engineer Fariba Fazeli
Principal Planner Claire Flynn
Senior Planner Mel Lee
Associate Engineer Raja Sethuraman

III. **MINUTES: Minutes for the meeting of October 22, 2007**

The Chair approved the minutes as distributed.

IV. **PUBLIC COMMENTS:**

There were no public comments.

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

Commissioner Righeimer mentioned that the Susan Street Offramp Opening Ceremony is on Friday, November 16, at the I-405 Freeway.

Vice Chair Fidler complimented Commissioner Righeimer on his article in the Daily Pilot last Saturday concerning condominium conversions.

VI. **CONSENT CALENDAR:**

1. **General Plan Conformity Resolution, pursuant to State Government Code Section 65402, for the vacation of excess right-of-way by the City of Costa Mesa for property located at 523 Hamilton Street in the General Commercial land use designation. Environmental Determination: exempt.**

The Chair asked if anyone wished to pull this item from the Consent Calendar to discuss it separately and no one wished to do so.

MOTION: Adopt Planning Commission Resolution PC-07-76, finding that the vacation of excess right-of-way at 523 Hamilton Street is in conformance with the City of Costa Mesa's 2000 General Plan.

**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.

VII. PUBLIC HEARINGS:

1. **Appeal of Zoning Administrator's denial of proposed elevations, located in the Downtown Redevelopment Project Area at 1802 Newport Boulevard, in a C2 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to a question from the Commission regarding portable offsite signs.

Tim Johnson, TJ Design, gave a short presentation.

In response to a question from Commissioner Clark concerning the length of the metal siding, Billy Stade, appellant, replied that it is approximately 50 feet in length on the 18th Street frontage.

Mr. Stade explained to Vice Chair Fisler about enhancing the stretch of property and the long-term lease.

**MOTION: Reverse Zoning Administrator's denial, by adoption of Planning Commission Resolution PC-07-77, and approve changing the findings contained in Exhibit "A" to read as findings for approval, subject to the conditions in Exhibit "B", with the deletion of Condition No. 2.
Moved by Commissioner James Righeimer,
seconded by Vice Chair James Fisler.**

During discussion on the motion, Commissioner Righeimer explained why he made his motion to approve the project.

Commissioner Egan and Vice Chair Fisler gave their support for the project.

Commissioner Clark said this would bring a homogenized look to the property and the Chair stated this would revitalize the area.

Commissioner Righeimer noted that Condition No. 2 should be removed and Vice Chair Fisler agreed.

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.

In response to Mr. Johnson or Mr. Stade's question if the stucco work could continue now that the project has been approved, Planning Commission Secretary replied that she would call him tomorrow to discuss this request.

The Chair stated the appeal process.

2. [From the meeting of October 22, 2007, 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.](#)

Senior Planner Mel Lee noted that staff recommends continuing this item to the meeting of December 10.

The Chair asked if anyone wished to speak on this item that would not be able to attend the meeting of December 10 and there was no response.

**MOTION: Continue to the Planning Commission meeting of December 10, 2007.
Moved by Vice Chair James Fisler, 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.

3. [Review, modification, and/or revocation of Planning Applications PA-86-103 and PA-86-121 and Zoning Application ZA-06-48, for a private school \(K through 8\), formerly Kline School, with off-site parking and on-street drop-off and pick-up at 320 East 18th Street in an I & R zone. Environmental Determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and responded to a question from the Commission regarding conditional use permits.

The Chair asked if anyone else provided comments on this item besides Ms. Refakes and Mr. Denghausen and Commissioner Egan replied Mr. Wilbur provided comments via e-mail.

Phil Schwartz, representing the property owner, said he had a letter for the Commission to initiate a General Plan Amendment and zone change for the property and requested a R2-MD zoning for the site.

The Chair explained to Mr. Schwartz that he would look at the letter but no Planning Commission action could take place tonight.

Beth Refakes, Costa Mesa, said she had a signed petition for the recommended actions.

Planning Commission Secretary Kimberly Brandt advised the Chair that she would call Mr. Schwartz and explain the Planning procedures.

Deputy City Attorney Tom Duarte explained to Commissioner Righeimer that renoticing will be necessary to allow the Planning Commission to consider revoking ZE-81-74.

MOTION: Revoke Planning Applications PA-86-103 and PA-86-121 and Zoning Application ZA-06-48, by adoption of Planning Commission Resolution PC-07-78, and request staff to bring back Zone Exception ZE-81-74 for revocation. Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer.

During discussion on the motion, the Commission noted the correct application number for renoticing.

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. [Final Master Plan PA-07-20 and Vesting Tentative Tract Map VT-16999, for Cindy Nelson of Nexus Development, for a](#)

mixed-use development consisting of: (a) 42,000 square-foot commercial space in two- to four-story buildings; (b) 151 residential condominiums in a four-story building complex; (c) 5 custom live/work units in three-story buildings; (d) 4.5-level parking structure and surface parking areas (total of 470 parking spaces); (e) subdivision of the property for condominium purposes at 1640 Monrovia Avenue in the MG zone (General Industrial) and Mesa West Urban Plan/ Mixed-Use Overlay zone. Environmental Determination: Mitigated Negative Declaration.

Principal Planner Claire Flynn reviewed the information in the staff report and gave a detailed presentation highlighting components of this project.

Ms. Flynn responded to questions from the Commission regarding private open space and the 10% open space project requirement. She indicated that the project meets the minimum 10% requirement.

Associate Engineer Raja Sethuraman explained to the Chair and Commissioner Egan regarding the level of service figures noted on Page 7 for the intersections of Newport Boulevard/17th Street and Superior Avenue/17th Street.

In response to a question from Commissioner Rigeimer regarding Condition No. 9, Ms. Flynn replied that the proposed 1,750 square-foot retail building could also be leased as an office space.

Cindy Nelson, Nexus Development, gave a presentation followed by Jack Selman of Stearns Architecture who gave a presentation of the project architecture.

Leland Stearns, Stearns Architecture, gave a presentation on urban design, building design, and the Westside Lofts Plan.

Mr. Selman and Ms. Nelson explained to Commissioner Egan that the parking structure is at grade and that the reason a "For Lease" sign was posted on the property was due to the requirements of the bank.

In response to Vice Chair Fislser's question about contaminated soil, Charles Buckley, California Environmental, discussed the areas of small releases and the Response Plan to excavate the contaminated soil from the property.

The Chair, Vice Chair Fislser, Ms. Flynn, and Ms. Nelson discussed enhanced filters on indoor air conditioning systems, the advisory letter from the Police Department, and possible noise problems in entering the parking structure.

Roger MacGregor of MacGregor Yacht Corporation, who owns property next to the site, noted his concerns about the high-density aspect of the project.

Mike Harrison of Trico Realty, Inc., who owns property next to the site, was concerned about the density and potential market conditions.

John Linnert, an architect and Westside Costa Mesa resident, stated that this project does not follow the Mesa West Bluffs Urban Plan and is concerned about the scale and density of the project.

The Chair called a brief recess at 8:14 p.m. and resumed the meeting at 8:24 p.m.

Ms. Nelson introduced Curt Olson, property owner, and he gave a history of his work and said he was excited about this mixed-use project. He thanked Planning staff and agreed to all conditions of approval.

Ms. Nelson gave a time-line for the project and agreed with the Chair that it could take two to three years for completion.

Commissioner Clark, Ms. Brandt, and Ms. Nelson discussed the concern that the buildings could become over-crowded apartments and occupancy limits in the CC&R's. Commissioner Clark added a clause for occupancy residential density as Item No.

6 of Condition No. 4. Ms. Nelson agreed to this clause.

The Chair, Commissioner Egan, Commissioner Righeimer, Ms. Flynn, and Ms. Nelson discussed the insertion of the wording "initially for sale units" in Condition No. 17. Ms. Nelson agreed to the wording.

Commissioner Righeimer requested that a period be placed after the word "businesses" in Condition No. 9 and the remaining language be removed. Ms. Nelson agreed.

Commissioner Righeimer and Ms. Flynn discussed the intent of Condition No. 9.

Ms. Brandt reminded the Commission to include the supplemental memorandum changes in their motion and the Chair agreed. Ms. Nelson concurred with the changes mentioned in the supplemental memorandum.

MOTION: Adopt the Westside Lofts' Initial Study/Mitigated Negative Declaration and approve Final Master Plan PA-07-20 and Vesting Tentative Tract Map VT-16999, by adoption of Planning Commission Resolution PC-07-79. This includes the granting of minor deviations related to the nonresidential FAR and parking structure height which would result in a mixed-use development that meets the overall intent and objectives of the Urban Plan, and is based on the evidence in the record and findings contained in Exhibit "A", subject to conditions of approval in Exhibit "B", with reference to the supplemental memorandum dated November 8, 2007, with changes to Exhibit "B", Condition No. 4, by adding Item No. 6, about a clause for occupancy residential density, and changing the first sentence of Condition No. 17 to read, "All residential units and live/work units shall be initially offered as "for sale" units." Also, the action includes changing Condition No. 9 to place a period after the word "businesses" and striking the rest of the sentence, and is based on

the Mitigation Measures contained in Exhibit “C”.

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

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

Commissioner Clark and Commissioner Egan also gave their support for the project.

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.

5. [Parcel Map PM-07-125, for DRC Inc., authorized agent for The O’Donnell Group, for a parcel map to subdivide a 52,225 square-foot industrial office development, approved under Development Review DR-07-06, into airspace condominiums, located at 3370 Harbor Boulevard, in an MP zone. Environmental determination: exempt.](#)

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

Greg Chila, authorized agent for the property owner, gave a brief presentation and agreed to all the conditions.

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

MOTION: Approve Parcel Map PM-07-125, by adoption of Planning Commission Resolution PC-07-80, 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 Fidler, Commissioner Sam Clark
Commissioner Eleanor Egan, and Commissioner James Righeimer
Noes: None.
Absent: None.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

X. ADJOURNMENT TO THE MEETING OF MONDAY, NOVEMBER 26, 2007.

There being no further business, Chairman Hall adjourned the meeting at 9:02 p.m. to the Planning Commission meeting of Monday, November 26, 2007.

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