

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION**

**March 8, 2004**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., March 8, 2004 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Garlich, followed by the Pledge of Allegiance to the Flag.

**ROLL CALL:**

Commissioners Present:

Chairman Bruce Garlich

Vice Chair Bill Perkins

Katrina Foley, Dennis DeMaio and Eric Bever

Also Present: Perry L. Valantine, Secretary

Costa Mesa Planning Commission

Marianne Milligan, Sr. Deputy City Attorney

Ernesto Munoz, City Engineer

Claire Flynn, Associate Planner

Willa Bouwens-Killeen, Senior Planner

Mel Lee, Associate Planner

Wendy Shih, Associate Planner

Hanh Tran, Assistant Planner

**ELECTION OF OFFICERS:**

Commissioner Foley nominated Bruce Garlich to the office of Chair and Bill Perkins to the office of Vice Chair. Both nominations carried 5-0.

**MINUTES:**

The minutes for the meeting of February 9, 2004 and February 23, 2004, were accepted as amended.

**PLANNING COMMISSION  
DESIGN AWARDS  
PRESENTATIONS:**

Chairman Garlich presented the Planning Commission Design Awards to Dana Bieber for Standard Pacific Homes/Providence Park Model Homes; and to Clifton Jones, III for Infinity Homes/Elden Place Single-Family Homes.

**PUBLIC COMMENTS:**

Dick Matherly, 1640 Newport Boulevard, Costa Mesa, representing the residents of El Nido Mobile Home Park and Snug Harbor Village, expressed gratitude to the Planning Commission, staff, and particularly Kimberly Brandt, for their efforts in helping to improve and expand upon the City's Mobile Home Ordinance. He said they were grateful for the City's assistance with the closures of El Nido and Snug Harbor Village mobile home parks.

Anne Hogan-Shereshevsky, 2152 Elden Avenue Costa Mesa, reiterated former testimony about how small the signs are for the businesses at 1901 Newport Boulevard. She also voiced concerns over signs when the new building is erected because she understands there are twenty businesses in the front building and there are many existing problems with sorting out the signage now. She asked the Planning Commission to find a way to improve the signage. Ms. Shereshevsky also pointed out that the City should look into its "pothole" situation.

In response to the Chair, Mr. Valantine stated that if the signs are too big, then something could be done, however, the City has no minimum sign size and cannot require the signs to be made larger.

**PLANNING COMMISSIONERS  
COMMENTS/SUGGESTIONS:**

Commissioner Foley raised the issue of potholes in her own neighborhood pointing out severe potholes on Velasco, Salvador, Lorenzo, and Sonora Road. She asked that Mr. Munoz update the Commission at the next hearing on when those streets are scheduled for improvement; he agreed. Commissioner Foley asked if Mr. Valantine would convey to the Parks Commission or Parks Department that the Costa Mesa High School trash bins are overflowing before activities begin on the weekends. She said she spoke with a "field ambassador" on Saturday and they believe it's the high

school's responsibility, and the high school principle believes it's the City's responsibility. Mr. Valantine said he would look into it.

Commissioner Foley thanked the community leaders who came out to Sonora School for "Read Across America Day" in honor of celebrating Dr. Seuss's birthday. She said City Manager Allan Roeder participated in this year's event and did an excellent job. She also expressed her appreciation to administrators at Sonora School for all their hard work in coordinating that activity.

Commissioner DeMaio and Vice Chair Perkins congratulated Mike Robinson and Perry Valantine for their combined 60 years of service to the City, which was recently recognized by the mayor and council.

Chairman Garlich added his congratulations.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS:**

FAIRVIEW PARK MULTI-PURPOSE TRAIL

City

The Chair opened the public hearing for consideration of a resolution for Fairview Park Multipurpose Trail certifying the Initial Study/Mitigated Negative Declaration (IS/MND) for the Fairview Park bicycle/pedestrian trail project located in Fairview Park, 2501 Placentia Avenue; a previously-approved project included in the Fairview Park Master Plan. Environmental determination: Mitigated Negative Declaration.

Associate Planner Claire Flynn reviewed the information in the staff report and gave a brief visual presentation. She said staff recommends adoption of the Planning Commission resolution, certifying the Initial Study/Mitigated Negative Declaration.

In response to a question from Commissioner Foley regarding any construction damage that might occur, Ms. Flynn briefly outlined some of the monitoring processes. In further response, City Engineer Ernesto Munoz stated the contractual documents for the construction would ensure that the contractor cleans up after his operations, which will be monitored by the City through the inspection services under the Public Services Department.

The Chair reminded everyone that the focus of this item is strictly on the Mitigated Negative Declaration and its adoption.

In response to a comment by Commissioner Foley, Fairview Park Administrator Ron Molendyk explained that the "white" section on the drawings reflects a proposed bridge to cross Placentia Avenue. He stated the design and construction of the bridge is the second phase of the trail and would begin a few months behind the multipurpose trail.

Linda Pfeffer, Congress Street, Costa Mesa, stated that park users really enjoy the paths already there and when the paving is complete, she requested that a natural looking tan concrete and gravel be used.

Sandra Genis, 1586 Myrtlewood, Costa Mesa, reiterated her desire to receive notices regarding Fairview Park. She commented: (1) It seems the City is piecemealing its environmental approach to the park projects and it is not appropriate; (2) where will the staging area be located; how big is it; when will it occur, and how long will it be used; (3) along the bike trail near the Santa Ana River in the lower area, there are significant areas of "gullying" adjacent to the pavement because of the direction the water runs off and how will that be addressed; (4) high-interest, biological species were presumed to be absent but the walkovers were conducted in October and November when most of the those species were less likely to be there. She said they seem to be at their best March to July, or May to October—in other words, they wouldn't have been found at that time of year so a walkover is needed during the time these plants would actually be

highly visible because she saw at least one. She said she was also disappointed that the walkover discovered only one Raptor and she discussed other species she felt had been overlooked, suggesting the study be expanded. She asked what happened to the Burrowing Owl.

Chair Garlich said he wanted to be sure responses were provided, on the record, to all of Ms. Genis' comments.

In response to a question from Vice Chair Perkins about clarifying concerns regarding piecemealing, Ms. Genis stated that under CEQA, the City is not to piecemeal projects because there may be an impact of a certain portion that's small, and when all the little pieces are added together, you have something that's totally unacceptable. She said looking at it in fragments tends to minimize the environmental impact. In further response, she said her primary concern was the wildlife and gullying impacts.

Ms. Flynn stated that the environmental process was appropriate and that the consideration of the proposed trail is consistent with the state law. The bridge would be evaluated separately and is not essential to the proposed trail.

Commissioner Foley believed that people would cross Placentia even if there was not a bridge, rather than walk to the crossing area. In response to her comment, Mr. Munoz concurred with Ms. Flynn's comments about these projects being separate. He stated that both projects are "grant" driven and the grant lines of timing are such that trail and bridge cannot actually be built concurrently. He said for the projects to materialize the City must have the grants but they are not timed for them to be built together. He said with regard to the staging area Ms. Genis had concerns with, it will be provided for in the contract documents and will be specific so that it doesn't impact the park. In response to Commissioner Foley's comments about people crossing where the bridge will eventually be located, he said the bridge crossing location was chosen because of the very steep grade; its where the slopes are maximum making it very difficult for someone to actually cross there, particularly with a bicycle in lieu of going to the first crosswalk. The slopes themselves would preclude the public from actually crossing there at this point.

Ms. Genis asked for "point of clarification" as to whether the Commission or public would be given an opportunity to review the location and operational characteristics of the proposed staging area and if so, how. Mr. Munoz said it would be part of the contract documents, which will be awarded by Council, and if staff is directed, the Commission can look at the location for the staging area, which will most likely be in an area that is paved, or where there will be no impacts on the park.

In response to a question from Commissioner Foley, Mr. Munoz stated that funding for the bridge would allow the City to begin construction next year. Regarding the future bridge crossing location, Mr. Munoz assured Commissioner Foley there would be barriers and signage directing the public where to go in the interim.

Mr. Molendyk said with regard to the concerns of the first speaker regarding the color of the sidewalk, staff is sensitive about the color of the trail and it is something they will be bidding as an alternate, depending on the budget.

Ms. Genis returned to the podium to explain, "gullying". She said when water moves it either drops sediment or picks it up, unless it is in perfect balance. If it's going over cement, it will drop sediment then because it cannot penetrate the cement, it will run off. Over time, this will create gullies from the run off. Mr. Munoz responded that the trail would be constructed at grade and any enhancements

that can be made to drainage conditions as it exists, without disturbing the surrounding soil, will be made. The condition will be left in an "as is" or "improved" condition.

The Chair asked Ms. Flynn to respond to Ms. Genis' last concern regarding whether surveys were made at the proper time to identify appropriate species. Ms. Flynn stated that the California Department Fish & Game, as well as the Fish & Wildlife Service are trustee agencies for this project with the jurisdictional authority to review and examine all of the reconnaissance surveys conducted by the biologists. Ms. Flynn commented that the California Department of Fish & Game's letter did not raise any concerns with the survey. Ms. Genis asked if that was available to the public and was given a copy. In response to another question from Commissioner Foley, Ms. Flynn explained that the City received one letter from the California Department of Fish & Game.

The Chair said he would like to clear up the question regarding the lack of studies for Raptors and the question about Burrowing Owls and stated he felt the question might be rhetorical. Ms. Genis said it was just curiosity.

In response to Commissioner Foley's questions regarding Ms. Genis' comments about the time of day a survey was made might be the reason there would be no wildlife and why there wasn't visible foliage during a walkover, Ms. Flynn stated that she would review the surveys. She also said the last issue was raised in the environmental document and according to the industry standard in the preparation of a biotech report for these type of documents, the statement is made that the species is "presumably absent" because they cannot verify they have seen it, when they are conducting the study. She said some appearing in the table, as being "presumably absent" may be completely absent in Fairview Park.

Commissioner Foley asked if a copy of this document went to the "Friends of Fairview Park Committee". Fairview Park Administrator Ron Molendyk said, they would not have received a copy. In response to the Chair, Ms. Flynn stated that these documents are available for public view at the Mesa Verde and Orange County libraries; at the public counter in City Hall, and public notices were published in the local paper. Commissioner Foley said she was curious as to why the City is not sending notices to that particular committee. Mr. Molendyk responded that the Friends of Fairview Park Committee specifically has the responsibility of fund raising and is not a part of the review process. Commissioner Foley said everybody in the community is part of the review process. Mr. Molendyk stated that they have been encouraged to attend any time Fairview Park is on the Parks and Recreation Commission agenda.

Commissioner Foley announced that everyone could now get notification of all public notices by email on the City's website.

Tim Tucker, 1921 Swan Drive, Costa Mesa, pointed out that there is a memorial of a lady who was killed at the crossing light previously discussed by Commissioner Foley and Mr. Munoz. He felt the City should not encourage people to cross there because of the high speed of traffic.

Commissioner Foley asked if the environmental document examines speed issues, and Ms. Flynn responded that the project does not do that.

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

MOTION:  
Resolution for Fairview Park  
Multipurpose Trail

A motion was made by Chairman Garlich, seconded by Commissioner Bever and carried 5-0 to certify by adoption of Planning Commission Resolution PC-04-23, based on information and analy-

Certified

APPEAL OF ZONING ADMINISTRATOR'S DENIAL OF MINOR DESIGN REVIEW ZA-03-93

Schubert/Wilson

sis contained in the Planning Division staff report.

The Chair explained the appeal process.

The Chair opened the public hearing for consideration of an appeal of the Zoning Administrator's denial of Minor Design Review ZA-03-93 for Bob Wilson, authorized agent for Victor Schubert, to construct an approximately 3,150 square-foot, two-story, single-family home located at 983 Grove Place in an R1 zone. Environmental determination: exempt.

Assistant Planner Hanh Tran reviewed the information in the staff report and gave a visual presentation of the site characteristics. Ms. Tran said staff recommends upholding the Zoning Administrator's denial, by adoption of Planning Commission resolution.

In response to questions from Vice Chair Perkins, Ms. Bouwens-Killeen explained the application was filed in September or October of 2003. Since the agent was working with staff, to redesign a project so that it would comply with the Residential Design Guidelines, it took a long time before the Zoning Administrator decision date. Ms. Bouwens-Killeen explained the original submittal showed a 5' right side setback and the agent was informed there was a design guideline for an average 10' setback for the second story. The agent had a plan showing the entire house at a 10' side setback, but it seemed the property owners weren't interested in doing a 5' first story, 10' second story. Future reiterations included shutters, bay windows, and an eyebrow roof at the front portion of the house; wrapping around the right side of the house. Ms. Bouwens-Killeen explained there were 5 or 6 second stories on that specific street that were proportioned over the first story, but she didn't think any were close to the second to first floor area ratio.

Vice Chair Perkins confirmed with Mr. Valentine that April 12th was probably the earliest possible date for a hearing, should the Commission decide to continue this item.

In response to a question from Commissioner Foley regarding a house on President Street shown by the applicant in his appeal document, Ms. Tran stated that this remodel was approved sometime in 2003; however, the second story is only 41% of the first story.

Bob Wilson, builder/designer for the applicant, 485 East 18<sup>th</sup> Street, Costa Mesa, stated that they have shown the remodeled houses in the neighborhood that comply with the Residential Design Guidelines. The homes were originally built in 1955 and when you drive by those remodels, you see the 1955 house sitting in front of an addition on the back that does nothing to improve the neighborhood. He felt Mr. Schubert should be commended for spending so much money in the community and wanting to upgrade the neighborhood. If they were to enclose the front porch into a living area, they would comply with the 80% rule, but the house wouldn't look nearly as good as it does at this point. He said notices were sent to 79 people and only 2 people objected.

The Chair said he appreciated the time and money spent for remodels as being good for the City. The City spent a lot of time a few years ago, and again last year, going through these guidelines and code requirements trying to make owners and their neighbors comfortable with each others' remodeling ideas. He said the size of the house is not at issue because the Commission has approved many homes over the 80% second-story coverage. He said it is a question of "mass and scale" and whether there is some architectural relief that could be considered. If the item is continued until April 12<sup>th</sup>, there would be the opportunity to explore other possibilities. Mr. Wilson said it is fairly simple to modify the building just by adding to the first floor, but he doubted the top floor could be reduced because modifying the

second floor would impact the size of the rooms and their configuration.

In response to a question from Vice Chair Perkins, Ms. Bouwens-Killeen said she did not recall any discussion of enclosing the front patio and the resulting ratio. In further response with regard to the 5-foot setback, she did not know what the resulting ratio of first to second floor would be and thought the suggestion had been rejected.

The applicant, Victor Schubert, 983 Grove Place, Costa Mesa, stated that he understood they could obtain 80% first to second-story ratio if they expanded the first floor. If the calculations are accurate, and it is acceptable to staff, he was agreeable to that. Mr. Valentine cautioned against focusing too much on the 80% because it is easy to meet if you simply add on to the back of the house, but this would not accomplish the objectives of the design guidelines. The guidelines also deal with articulation, and providing transition between the first and second floors.

In response to a question from Vice Chair Perkins regarding the neighbors who will be most affected by this project, Mr. Schubert stated that they have almost unanimous support. The neighbor on the right made a complaint without seeing the plans and objected generally to a 2-story structure and any further changes would not make that objection go away. There have been no complaints concerning privacy.

Mr. Schubert felt that Mr. Valentine's comments reflected his own preference because the neighbors did not object and he wanted to know what the Commission wanted. Commissioner Foley pointed out that the applicant is starting out from scratch and has a lot more flexibility than if he were adding on to an existing building. She said she would support a continuance to give additional time for the applicant to work with staff to reduce some of the mass and scale without necessarily reducing the size of the home. The Chair explained that it is not the Commission's place to help design the house. The applicant can work with staff and the architect to come up with design solutions that address the issues, particularly if a continuance is granted. Commissioner Foley suggested that the roofline has a lot to do the appearance of mass and scale and there may be ways to create more articulation within the roofline.

Vice Chair Perkins and the applicant discussed the continuance and the applicant said he would be happy to participate in the process, but he does not understand the timing. Mr. Schubert was also concerned about the expense. Ms. Bouwens-Killeen clarified for the applicant that at this point, staff needs only the conceptual plan, and the engineering plans are not required until the applicant actually goes into plan check.

Commissioner Bever said it appears that this project has significant support in the neighborhood and he pointed out a petition that includes about a dozen people who, among them, own 17 properties in the immediate area. He said there are other 2-story additions. He said while this project does have a certain degree of mass, it's not a huge house and is only about 50% of what is allowed by code; it is a significant improvement in the neighborhood, compared to other remodels. He said he appreciates the fact that the applicant has a fresh design and is not just tacking a room or box on the top portion of the house that would have sailed through the process. He believes the applicant's neighbors are cognizant of the fact that this is going to bring new vitality to the neighborhood. Commissioner Bever said he has long advocated that the Freedom Homes area is ripe for private redevelopment. He said it is unfortunate the massing and scale issue is holding up the project. He suggested the application be approved this evening.

Vice Chair Perkins asked that assuming the item is continued, the applicant works with staff on the project, it meets the guidelines and everything is resolved, would it be possible to handle the application at a "ZA" level, or does it have to come back through the Planning Commission. Mr. Valentine explained that since its currently noticed and pending before Planning Commission, it would come back to Planning Commission.

Commissioner DeMaio felt that after having visited the project site, sheer, unrelieved walls are a problem for him and he would support the continuance provided the 80% ratio would be the main consideration in resolving the issue of mass and scale.

Vice Chair Perkins encouraged Mr. Schubert to call him to discuss the issues and potential solution.

In response to the Chair, Mr. Schubert said they would participate in the process and hope for the best.

Andrew King, 1017 Grove Place, Costa Mesa, said he had a 16,000 square-foot lot, about double the size of the Schuberts, and he planned on building a home of over 4,000 square feet. He said he came to see what the issues were and what he may or may not be able to do with his own property. He said the Schubert's project would enhance the neighborhood tremendously. He felt if Mr. Schubert complied with the guidelines, it would be very good for the neighborhood and for those who would also like to add on and improve their properties.

Commissioner Foley advised that it is not the size of the home because there are lots of homes that have been spaciouly designed that do not appear massive and bulky.

Howard McVicker, 1015 Grove Place, Costa Mesa, stated he is a 40-year resident and walks his dog through the neighborhood each day. He has observed that the basic Freedom Home tract home is an ugly box, and he would be happy with the home the applicant proposes.

Andrew Lee, next-door neighbor to the left, stated he came to the meeting because he believes the project is beautiful and he would like to see this home next door to his, and then he would like to do that too.

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

MOTION:  
ZA-03-93  
Continued

A motion was made by Chairman Garlich, seconded by Commissioner Foley, and carried 5-0 to continue this item to the Planning Commission meeting of April 12, 2004.

SUBSTITUTE MOTION:  
ZA-03-93  
Failed to carry

Before the above motion was called, Vice Chair Perkins made a substitute motion, seconded by Commissioner Bever, to reverse the Zoning Administrator's decision of denial and approve the application; the motion failed to carry by 2-3 (Garlich, Foley and DeMaio voted no).

Vice Chair Perkins explained his reasons for the substitute motion. He felt that although the design was not exactly to the Commission's liking, he thought the neighborhood was in need of improvement, and this new home might have a positive effect by encouraging neighbors to improve their homes.

Commissioner Bever said he tended to agree with Vice Chair Perkins. He agreed that the Freedom Homes area does need to see a renaissance and he would be willing to support this. He said he doesn't see this as being an awful project; it doesn't meet some of the guidelines, but it does meet a certain standard for the style that it is. He said he would be willing to support the motion based on the fact that the adjoining neighbors strongly support the project.

Commissioner Foley said she would not support the motion because she believed that by continuing the item it does not necessarily prevent the development; it allows some additional time to enhance the quality of the design. The idea is to set a precedent and a tone for encouraging others to do the same thing. Private development will occur on the Westside regardless of the outcome of this particular item because every single application that comes before the City is determined on a case-by-case basis, and there are homes available on the Westside right now for much less than in other areas of the City. The homes that are on large lots have beautiful views in some instances—a great neighborhood with a lot of future potential. Commissioner Foley said she felt it was important that as redevelopment progresses in the residential neighborhoods, the Commission carefully considers it. She said this brief continuance would allow enhancement of the development without losing the house size and type of home the applicant wants.

Chairman Garlich said he would not support the substitute motion either and he agreed with Commissioner Foley's comments. He felt revitalization of the housing stock on the west side or any other part of the City, it is very good for the City; that's why so much time was spent on the guidelines that make the goals easier to achieve and easier to communicate to the applicant. He said Mr. Wilson (builder/designer) commented in previous testimony, it would be simple to modify the design to comply with the guidelines, and he did suggest expanding the first floor, which the property owner seemed to accept. He felt that taking the time to find something everyone can agree with is the right way to go.

Commissioner DeMaio said he could not support the substitute motion because he wants to see that neighborhood enhanced by keeping in compliance with the Residential Guidelines that the Commission and staff worked so hard and so long to put together for just that purpose.

Vice Chair Perkins said he appreciated everybody's concern and stated that he would support the continuance. Vice Chair Perkins also commented on the financial aspects in conjunction with holding this item up for 30 days.

Commissioner Foley pointed out that the Commission is a "Land Use" body, and not charged with reviewing budgets. She said had the applicant complied with all the guidelines, the wait would not have been this long and they could probably have been in the building phase right now.

The Chair called the substitute motion, which failed 2-3.

The Chair then called the original motion, which carried 5-0.

CONDITIONAL USE PERMIT  
PA-03-34

KWI (Turnip Rose)/Blake and Associates

The Chair opened the public hearing for consideration of Conditional Use Permit PA-03-34 for Rick Blake and Associates, authorized agent for KWI 1901 Newport Boulevard LP, to allow a catering and event facility (Turnip Rose) to serve food and alcoholic beverages until 1 a.m., seven days a week (currently limited to midnight), located at 1901 Newport Boulevard in a PDC zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a visual presentation of the site characteristics. She said staff recommends approval by adoption of Planning Commission resolution, subject to conditions.

In response to a question from Commissioner Foley regarding valet parking, Ms. Shih explained that The Turnip Rose does not use valet service. LaFondue and the Vegas Nightclub use the valet service located at the northeast, east and south portion of the lot; all self-parking is located at the northwest portion of the property. Mr.

Valantine stated that self-parking is available for Vegas and LaFondue, but the expectation is that they would primarily use valet service, which is on the east side of the building; Turnip Rose would use primarily, if not exclusively, self-parking which is on the west side of the building.

Rick Blake, authorized agent, 2700 North Main Street, Santa Ana, agreed to conditions of approval. He clarified that they do serve food but typically, it is not prepared there because their business is generally catering banquets and special events (retirement dinners, seminars, men's and women's clubs, weddings, bar mitzvahs, etc.) booked for specific dates and times. He said not being open to the public, they do not expect to increase the business so they will have no additional demand on parking.

In response to a question from Vice Chair Perkins, Mr. Blake said the facility is not often used Monday through Thursday; during warmer weather or during the Christmas season it may be used a little more frequently, but generally, most of their events are on the weekend.

Vice Chair Perkins asked Mr. Blake if he would be amenable to a condition that allowed him to operate until 1 a.m. on the weekends with the hours remaining as they are now for weekdays. Mr. Blake repeated his testimony.

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

MOTION  
PA-03-34  
Approved

A motion was made by Vice Chair Perkins, seconded by Chairman Garlich, and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-24, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

PLANNING APPLICATION  
PA-03-50

Sacuy and Ochoa/Hoover

The Chair opened the public hearing for consideration of Planning Application PA-03-50 for Ron Hoover, authorized agent for Temir Sacuy and David Ochoa, for a design review to construct three detached, two-story units on a site with an existing detached two-story dwelling unit; with a variance to determine Mesa Drive to be the front of the development lot, located at 191 and 199 Mesa in an R2-MD zone. Environmental determination: exempt.

Senior Planner Willa Bouwens-Killeen reviewed the information in the staff report and gave a visual presentation of the site characteristics. She said staff recommends approval by adoption of Planning Commission resolution, subject to conditions.

Vice Chair Perkins stated that the first floor to second floor ratios are 100%, 103% and 97% and asked why it is appropriate for this project but not for the 983 Grove Place project. Ms. Bouwens-Killeen stated that the neighborhood this property is located in, is a multiple family zone and there are a lot of other 2-story developments already existing in this area. She said staff has also worked with the applicant to provide the "pop outs", the breaks in the rooflines, and in the elevations to minimize the presence of unarticulated elevations.

Ron Hoover, architect and authorized agent for the applicant, 39 Nieto Avenue, Long Beach, agreed to the conditions of approval. He wanted to add that besides the different plane changes on the individual homes; the homes are staggered at different setbacks from the front property line.

Dave Salcido, 954 West 17<sup>th</sup> Street, Costa Mesa, felt that the applicant should abide by the guidelines and should have findings for what he called 3 boxes. The Chair advised Mr. Salcido that there are findings for the variance that relate to the location of the property frontage, but a variance is not required for the guidelines. Mr.

Valantine noted that finding “B” does relate to compliance with the design guidelines and it does say, “the visual prominence associated with the two-story residences has been reduced through the provision of second-floor offsets, window pop outs and balconies to avoid unrelieved 2-story walls” and he believed that, as well as the context within which it was built, distinguishes it from the project heard earlier this evening.

Maria Madigan, 180 Mesa Drive, Costa Mesa, stated that because the property is so close and she has tenants that may be impacted by the construction of this project she would like the Planning Commission to consider the following: an 8’ wall should be built instead of a 6’ wall between the properties to mitigate noise; the hours of construction should be changed from 8 a.m. to 7 p.m. to 9 a.m. to 6 p.m.; and 2-3 juniper trees should be planted on the western elevation to allow some privacy because the apartments look into her backyard.

In response to the Chair, the applicant had no objections to the change in weekend construction hours. Mr. Valantine confirmed with the Chair that a wall can be built up to 8 feet and approved by staff through a minor modification process. The applicant agreed to an 8-foot wall between the properties. The applicant wished to discuss the trees with staff when they submit their landscape plan.

Vice Chair Perkins had a suggestion. He said in the recent past there have been some neighbors who complained about construction. The Commission should allow 9 a.m. to 8 p.m. construction on Saturday, but no work on Sunday. The applicant stated that was acceptable because there was no intent to work on Sunday. Staff suggested only non-audible work be allowed on Saturday and Sunday.

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

MOTION:  
PA-03-50  
Approved

A motion was made by Vice Chair Perkins, seconded by Chairman Garlich and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-25, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit “A”, subject to conditions in exhibit “B” with the following modifications:

Conditions of Approval

- 12. Construction hours shall be limited to: 8 a.m. to 7 p.m., Monday through Friday; 9 a.m. to 6 p.m. on Saturday, and no construction shall take place on Sunday.
- 13. An 8-foot block wall shall be constructed between the applicant’s property and 185 Mesa Drive as a buffer.
- 14. The applicant shall work with staff to establish and implement a landscaped screen between the subject property and 185 Mesa Drive.

The Chair explained the appeal process.

PLANNING APPLICATION  
PA-04-01

Tong/Smicenski

The Chair opened the public hearing for consideration Planning Application PA-04-01 for Ericka Smicenski, authorized agent for Mary Lee Tong/Tri-Harmony Properties LLC, to allow tattooing within an existing business, located at 2790 Harbor Boulevard, Suite 103 in a C1 zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics. He said staff recommends approval, subject to conditions.

Ericka Smicenski, 3819 East 5<sup>th</sup> Street, Long Beach, agreed to the conditions of approval.

Dave Salcido, 954 West 17<sup>th</sup> Street, Costa Mesa, stated that the Planning Division staff report states that there are already 3 tattoo estab-

lishments in Costa Mesa and now we will have 4 and he felt this was over concentration.

Both the Chair and Commissioner Foley explained to Mr. Salcido that this business is simply relocating from one area to another and that there would be no increase in tattoo establishments in the City.

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

MOTION  
PA-04-01  
Approved

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-26, based on analysis and information contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

**REPORT OF THE DEVELOPMENT SVS. DEPARTMENT**

None.

**REPORT OF THE SR. DEPUTY CITY ATTORNEY**

None.

**ADJOURNMENT:**

There being no further business, Chairman Garlich adjourned the meeting at 8:50 p.m., to the study session of Monday, March 15, 2004.

Submitted by:

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PERRY L. VALANTINE, SECRETARY  
COSTA MESA PLANNING COMMISSION