

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
January 14, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., January 14, 2008, 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 Egan 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 Claire Flynn
Senior Planner Mel Lee
Assistant Planner Hanh Nguyen

III. **MINUTES: Minutes for the meeting of December 10, 2007**

The Chair approved the minutes as distributed.

IV. **PUBLIC COMMENTS:**

There were no public comments.

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

Commissioner Righeimer provided the telephone number for the public to call in their Code Enforcement complaints, themselves, at (714) 754-5625. Commissioner Righeimer also noted that parking complaints could be called into the Police Department.

Vice Chair Fislser said he was thankful to be on the Planning Commission for another year and hoped the Commission could help enhance life in Costa Mesa. He also wished his father a happy birthday.

VI. **PUBLIC HEARINGS:**

1. **Appeal of Planning staff's Zone Approval BC07-00393, for Richard Diaz, to add a 1,315 square-foot second floor to a single-family residence, located at 3081 Johnson Avenue, in an R1 zone. Environmental determination: exempt.**

The Chair excused himself from this public hearing because he resides within 500 feet of the subject site. Vice Chair Fislser acted in his absence.

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding the distance from the subject

property line to the residence located directly behind the site, and the second floor window elevations.

Commissioner Egan stated that she brought this item up for review on behalf of a concerned neighbor, Ms. Davies.

Greta Anderson Davies, neighbor, Costa Mesa, noted privacy concerns and asked that the second floor windows be raised a minimum of 5 feet above the floor.

Richard Diaz, applicant, explained that his project complies with the Uniform Building Code and all requirements.

Mr. Diaz replied to Vice Chair Fislser and Deputy City Attorney Tom Duarte that he agreed to all the conditions of approval.

There was a discussion between Vice Chair Fislser, Deputy City Attorney Tom Duarte, Mr. Lee, and Ms. Davies concerning window egress, rear elevations, and side elevations.

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

MOTION: Uphold Planning staff's decision, by adoption of Planning Commission Resolution PC-08-01, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B".

Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan.

Commissioner Righeimer explained that the rear setback is more than enough for his support of this project.

Commissioner Clark noted that the views from the back window are minimal and gave his support for the motion.

Commissioner Righeimer reiterated that it is the homeowner's right to add a second-story addition to his home.

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: None.

Absent: None.

Abstain: Chair Donn Hall

Vice Chair Fisler explained the appeal process.

The Chair returned to the dais.

2. [Review, modification, and/or revocation of Zoning Application ZE-81-74, for a Master Plan for the preschool \(formerly Kline School\) 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 there were no questions of staff.

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

MOTION: Revoke Master Plan ZE-81-74, by adoption of Planning Commission Resolution PC-08-02, based on the evidence in the record and subject to the findings contained in Exhibit "A".

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.

3. Planning Application PA-07-29, for Final Master Plan and Minor Conditional Use Permit for Symphony Towers Parking Structure "B", for Patrick Tooley of Wilson Meany Sullivan. The proposed project involves:

* Final Master Plan PA-07-29, for a three-level parking structure (total 342 parking spaces) at South Coast Metro Center, at 531 Anton Boulevard, in a PDC zone; and

* Minor Conditional Use Permit, for a deviation from shared parking requirements and also for the provision of a maximum 10 percent of compact parking (34 compact spaces);

Environmental determination: Final Program Environmental Impact Report No. 1052 (SCH#2006011077).

Principal Planner Claire Flynn reviewed the information in the staff report and responded to questions from the Commission regarding the 35 parking spaces allocated for the Lakes Pavilions parking, the methodology of the 2007 Parking Study, and the minor conditional use permit.

Patrick Tooley of Wilson Meany Sullivan, applicant, replied to the Chair that he was in agreement with all the conditions of approval and would respond to any questions.

The Chair asked Mr. George Sakioka to come forward to introduce himself.

Mr. Tooley responded to the Chair that he had no further comments.

MOTION: Approve Final Master Plan PA-07-29, by adoption of Planning Commission Resolution PC-08-03, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", including the supplemental memorandum dated January 14, 2008.

**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.

**MOTION: Approve Minor Conditional Use Permit
for a deviation from shared parking
requirements, by adoption of Planning
Commission Resolution PC-08-03, based on the
evidence in the record and findings contained in
Exhibit “A”, subject to conditions in Exhibit “B”,
including the supplemental memorandum dated
January 14, 2008.**

**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.

4. [Planning Application PA-07-41, for Bill Hall, authorized agent for Art Robertson/LA Lakes QRS, Inc., for a master plan amendment to reduce a landscape/sidewalk easement on Sakioka Drive from 25 ft. to 20 ft., located at 3400 Avenue of the Arts, in a PDR-HD zone. Environmental determination: exempt.](#)

Assistant Planner Hanh Nguyen reviewed the information in the staff report and there were no questions of staff.

Arthur Robertson, representing the property owner, agreed to all the conditions of approval. Mr. Robertson explained the existing parking conditions and the proposed visitor parking spaces.

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

MOTION: Recommend to City Council approval of Planning Application PA-07-41, by adoption of Planning Commission Resolution PC-08-04, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".

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

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.

Planning Commission Secretary Kimberly Brandt mentioned that this item would be scheduled for the City Council meeting of February 5, 2008.

5. [Planning Application PA-07-46, for Tom and Eleanor Egan, for a variance from rear yard setback requirement and a minor conditional use permit from bluff crest setback requirement \(10 feet required for both; 0 feet proposed\) to allow the construction of a 12-foot high gazebo behind an existing single-family residence, located at 1893 Parkview Circle, in an R1 zone. Environmental determination: exempt.](#)

The Chair excused himself from this public hearing due to the fact that he owns property within 500 feet of the subject site.

Commissioner Egan, as the applicant of this planning application, excused herself from this public hearing.

Vice Chair Fisler acted in the Chair's absence.

Senior Planner Mel Lee reviewed the information in the staff report and stated that Planning staff recommended approval of the project, subject to modifications to the conditions of approval, as follows:

Conditions of Approval

~~2. The conditions of approval and Code requirements of Planning Application PA-07-46 shall be blueprinted on the face of the site plan as part of the plan check submittal package.~~

2. The applicant shall contact the Planning Division to arrange for an inspection of the site at the time the gazebo is completed. ~~prior to the Building final.~~ This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

5. The gazebo shall not exceed the dimensions submitted 8 foot by 8 foot, ~~12-foot high size~~ ~~proposed~~ by the property owners as a part of this application.

Mr. Lee responded to questions from the Commission regarding the gazebo and if adequate access is provided.

Tom Egan, applicant, agreed to all the conditions of approval and had no further comments.

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

MOTION: Approve Planning Application PA-07-46, by adoption of Planning Commission Resolution PC-08-05, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with

modifications to the conditions, as follows:

Conditions of Approval

~~2. The conditions of approval and Code requirements of Planning Application PA-07-46 shall be blueprinted on the face of the site plan as part of the plan check submittal package.~~

2. The applicant shall contact the Planning Division to arrange for an inspection of the site at the time the gazebo is completed. ~~prior to the Building final.~~ This inspection is to confirm that the conditions of approval and Code requirements have been satisfied.

5. The gazebo shall not exceed the dimensions submitted ~~8 foot by 8 foot, 12-foot high size~~ proposed by the property owners as a part of this application.

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

Commissioner Righeimer mentioned that he appreciated the applicant bringing this item for Commission approval.

Commissioner Clark noted his support for the motion and said the slope would not be endangered by this project.

Vice Chair Fisler pointed out his support for the motion.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

Abstain: Chair Donn Hall, and Commissioner Eleanor Egan

Vice Chair Fisler explained the appeal process.

The Chair and Commissioner Egan returned to the dais.

6. Planning Application PA-07-47, for Steven Kay, authorized agent for Connell Chevrolet, for a conditional use permit to construct a new, 17,242 sq. ft. automobile sales facility (to replace the existing 11,211 sq. ft. sales facility) with a variance from maximum allowable building height requirements (30 ft. permitted; 39 ft., 6 in. proposed), located at 2828 Harbor Boulevard, 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.

Brett Pate, representing Connell Properties, asked for a definition of a center swale as noted in Condition No. 5.

In response to the Chair's request to define a center swale, City Engineer Ernesto Munoz replied that it is a depression in the shape of a triangle, to provide drainage. The Chair proceeded to give Mr. Pate an example of same.

Mr. Pate explained to Commissioner Clark their plans to replace the loud speakers with the use of cell phones. They discussed internal paging within the service bays. Mr. Pate had no further comments.

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

MOTION: Approve Planning Application PA-07-47, by adoption of Planning Commission Resolution PC-08-06, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with a modification to Finding "C", as follows:

C. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because additional building height is necessary to accommodate accessible mechanical, fire suppression, and electrical systems, an elevator shaft, and to provide screening for rooftop equipment. The proposed building Because the proposed building is set back more

than 300 feet from the residences and 125 feet from the street, it will not be incompatible or appear obtrusive in comparison to existing development in the area and granting the variance would not constitute a grant of special privilege inconsistent with other properties in the vicinity. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

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

During discussion on the motion, Commissioner Egan added a minor modification to Finding "C" and Commissioner Clark was in agreement.

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.

7. **[Planning Application PA-07-57, for Lloyd Wendland, for a variance to allow two guest parking spaces within the required 20-foot front landscape setback \(10-foot front landscape setback proposed\), in conjunction with a previously approved residential common interest development conversion under Planning Application PA-07-16, located at 2645 Santa Ana Avenue, in an R2-MD zone. Environmental determination: exempt.](#)**

Senior Planner Mel Lee reviewed the information in the staff report and responded to a question from the Vice Chair regarding screening the parking from view and using shrubbery.

Lloyd Wendland, applicant, agreed to all the conditions of approval and had no further comments.

Vice Chair Fisler said he trusts staff to review that the screening meets with the condition of approval.

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

**MOTION: Approve Planning Application PA-07-57, by adoption of Planning Commission Resolution PC-08-07, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".
Moved by Commissioner James Righeimer,
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. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, JANUARY 28, 2008.

There being no further business, Chairman Hall adjourned the meeting at 7:44 p.m. to the Planning Commission meeting of Monday, January 28, 2008.

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