

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
February 25, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., February 25, 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 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 Eleanor Egan  
Commissioner James Righeimer

Absent: Commissioner Sam Clark

Also Present: Planning Commission Secy. Kimberly Brandt  
Deputy City Attorney Christian Bettenhausen  
City Engineer Ernesto Munoz  
Senior Planner Mel Lee  
Assistant Planner Rebecca Robbins

**III. MINUTES: Minutes for the meeting of February 11, 2008**

The Chair stated that the minutes for the meeting of February 11, 2008 would be continued to the Planning Commission meeting of March 10, 2008.

**IV. PUBLIC COMMENTS:**

There were no public comments.

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

There were no Planning Commissioner comments.

## **VI. PUBLIC HEARINGS:**

- 1. Development Agreement DA-08-01, for David Wilson, authorized agent for C.J. Segerstrom and Sons, for the annual review of the Home Ranch Development Agreement (DA-00-01), located at 1201 South Coast Drive. Environmental determination: exempt.**

Assistant Planner Rebecca Robbins reviewed the information in the staff report.

David Wilson, representative for C.J. Segerstrom & Sons, said he would be happy to answer any questions.

Mr. Wilson replied to the Chair that the agreement was satisfactory.

There were no further comments and the Chair closed the public hearing.

**MOTION: Recommend that City Council find C.J. Segerstrom & Sons has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-01.**

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

During discussion on the motion, Commissioner Righeimer noted that the Commission should recommend that action to the City Council, and the Vice Chair agreed.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Commissioner Sam Clark

Planning Commission Secretary Kimberly Brandt mentioned that this item would be scheduled for the City Council meeting

of March 18, 2008.

2. **Development Agreement DA-08-02, for David Wilson, authorized agent for South Coast Plaza, for the annual review of the Segerstrom Town Center Development Agreement (DA-00-02), located east of Bristol Street, south of Sunflower Avenue, west of Avenue of the Arts, and north of Anton Boulevard, excluding the Orange County Performing Arts Center. Environmental determination: exempt.**

Assistant Planner Rebecca Robbins reviewed the information in the staff report.

David Wilson, authorized agent for South Coast Plaza, said he would answer any questions.

Planning Commission Secretary Kimberly Brandt replied to Commissioner Righeimer that the Transportation Division would determine the construction timing for the improvements to the Bristol and Paularino and Park Center and Sunflower intersections.

There were no final comments and the Chair closed the public hearing.

**MOTION: Based on the evidence in the record, determine and find that South Coast Plaza has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-02.  
Moved by Commissioner Eleanor Egan, seconded by Commissioner James Righeimer.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Commissioner Sam Clark

3. **From the meeting of February 11, 2008, Planning Application PA-07-48, for Richard and Wendy Schones,**

**authorized agents for Gary F. Schones, for variances from rear setback requirements (10 ft. required; 3 ft. existing), rear yard coverage requirements (25% maximum permitted; 76% existing) and open space requirements (40% required; 36% proposed); and an administrative adjustment for reduced side setbacks (5 ft. required; 3 ft. proposed) to legalize a garage and granny unit at the rear of the property in conjunction with a minor design review for an existing single-family residence to exceed the recommended 80% second-to-first floor ratio (90% proposed) and a minor modification to allow first and second-story encroachments into the front setback (20 ft. required; 16 ft. proposed), located at 378 Costa Mesa Street, in an R1 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding the granny unit, square footage of the lot, and rear yard coverage.

Richard and Wendy Schones, applicants, and Gary Schones, owner, introduced themselves. They gave no presentation.

Mr. Gary Schones replied to Commissioner Righeimer that his father built the unit in the back of the property.

B.J. Donald, Costa Mesa, opposed the project stating that it does not meet the criteria according to the Code and the reduction in open space would result in flooding.

Ms. Schones said she understood the concerns, but noted there have been no flooding issues in the past 40 years. She also stated that the granny unit would be used to take care of her family.

The Chair closed the public hearing.

Commissioner Righeimer discussed the issues of this project, specifically that the granny unit does not comply with several Zoning Code requirements.

Vice Chair Fisler stated he did not want to approve the granny unit based on non-compliance with the Zoning Code.

Commissioner Egan mentioned there was no basis for the variances from the Code requirements for the granny unit.

The Chair noted his concerns relating to this project and discussed with Deputy City Attorney Christian Bettenhausen not taking any action on the granny unit.

**MOTION: Approve Planning Application PA-07-48 with respect to the minor design review and minor modification; deny the variances and administrative adjustments and require removal of the rear unit and garage, without prejudice, by adoption of Planning Commission Resolution PC-08-21, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".  
Moved by Commissioner Eleanor Egan, seconded by Vice Chair James Fisler.**

During discussion on the motion, Commissioner Righeimer recommended that the removal of the rear unit be added to the motion.

Commissioner Egan agreed to the change with the additional wording, "without prejudice," and the Vice Chair agreed to the changes.

Vice Chair Fisler, Commissioner Egan, Commissioner Righeimer, Planning Commission Secretary Kimberly Brandt, and Mr. Lee discussed processing the granny unit at staff level, if it meets all the Zoning Code requirements. There also was a discussion concerning the parking requirements, the Zoning Code, and the non-conforming garage for the main unit.

The motion carried by the following roll call vote:

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

Noes: Chair Donn Hall

Absent: Commissioner Sam Clark

The Chair explained the appeal process.

The Vice Chair mentioned that Condition of Approval No. 2 should be changed, and Nos. 11, 12, and 14 be deleted.

The Chair suggested that another motion be made to confirm the changes to both the findings and the conditions of approval.

**MOTION: Confirm the following modifications to the findings in Exhibit “A” and the conditions of approval in Exhibit “B” for Planning Application PA-07-48, as follows:**

### **FINDINGS**

**A. The proposed project, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:**

- 1. The proposed ~~use~~ addition is compatible and harmonious with uses on surrounding properties.**
- 2. Safety and compatibility of the design of the parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.**
- 3. The project, as modified and conditioned, is consistent with the General Plan.**
- 4. The planning application is for a project-specific case and does not establish a precedent for future development.**

**B. The information presented does not comply with Section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do not exist to justify granting of the variances from rear yard setback requirements, rear yard coverage requirements, minimum open space requirements, as well as the administrative adjustment from side yard setback requirements. Specifically, the property ~~complies with the other requirements to accommodate a granny unit, such as maximum size of the unit and on-site parking. The~~**

~~second unit also appears to be structurally sound and the City has no record of Code Enforcement complaints related to the unit. site is rectangular and flat, and does not have special circumstances such as unusual lot size, lot shape, or topography. Additionally, approval of the variance could establish a precedent for legalizing non-permitted structures based upon the length of time they have existed on a residential property.~~

#### CONDITIONS OF APPROVAL

2. ~~The granny unit and the second-story addition shall be architecturally compatible with regard to building materials, style, colors, etc. Plans submitted for plan check shall indicate how this will be accomplished.~~

11. ~~The granny unit shall be served from the same utility meters (electric, gas and water) as the main dwelling unit on the property.~~

12. ~~A land use restriction, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. This land use restriction shall inform future property owners that the granny unit shall be occupied by no more than two residents, each of whom is no less than 62 years of age, and that one of the units on the subject property shall be owner occupied. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.~~

14. ~~The applicant shall obtain all necessary permits and inspections, and make any other modifications as required by the California Building Code for the detached granny unit and garage, prior to building final of the second-story addition to the main residence.~~

16. The rear unit and garage shall be removed.  
Moved by Commissioner Eleanor Egan, seconded by Vice Chair James Fisler.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fislser,  
Commissioner Eleanor Egan, and Commissioner  
James Righeimer

Noes: None.

Absent: Commissioner Sam Clark

The Chair reiterated the appeal process.

4. **Extension of time for Planning Application PA-06-60, for Arne Valenti, authorized agent for Jim Stern, for a design review to construct two, two-story detached residential units in a common interest development, located at 224 Knox Street, in an R2-MD zone. Environmental determination: exempt.**

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

Keith Ray, owner, stated that there was a recent change in ownership and now he and his wife own the property.

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

**MOTION: Approve extension of time for Planning Application PA-06-60, by adoption of Planning Commission Resolution PC-08-22, 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 Eleanor Egan.**

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fislser,  
Commissioner Eleanor Egan, and Commissioner  
James Righeimer

Noes: None.

Absent: Commissioner Sam Clark

5. **Parcel Map PM-07-231, for Pascal Apotheloz, authorized**



**agent for BKM 3128 Red Hill Associates, LLC, to subdivide an existing 5-acre lot into one, 2.4-acre lot and one, 2.7-acre lot, each containing an existing building, site parking, and landscaping, with a minor conditional use permit for reciprocal access, and a conditional use permit for shared parking, located at 3128 Red Hill Avenue and 325 Baker Street, in an MP zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and noted a modification to handwritten Page 5 of the staff report, adding the following additional language to the resolution after the words "APPROVES Parcel Map No. PM-07-231", "as well as the conditional use permit and minor conditional use permit for shared parking and shared driveway access."

There were no questions of staff.

Brian Malliet, representative for the property owner, agreed to all the conditions of approval.

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

**MOTION: Approve Parcel Map PM-07-231, by adoption of Planning Commission Resolution PC-08-23, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the additional language included in the resolution, "as well as the conditional use permit and minor conditional use permit for shared parking and shared driveway access." 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 Eleanor Egan, and Commissioner  
James Righeimer

Noes: None.

Absent: Commissioner Sam Clark

**VII. PLANNING COMMISSION DESIGN AWARDS SELECTION FOR 2007.**

Senior Planner Mel Lee reported that one nomination was received for South Coast Home Furnishings Centre. Mr. Lee asked if he could go ahead and notify the Centre or if the Commission would like to make another nomination.

**MOTION: Notify the project developer for South Coast Home Furnishings Centre to receive the appropriate award and accolades at the second meeting in March, being March 24, 2008, for the Planning Commission Design Awards for 2007. Moved by Commissioner James Righeimer, seconded by Vice Chair James Fisler.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Commissioner Sam Clark

**VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

None.

**IX. REPORT OF THE CITY ATTORNEY'S OFFICE.**

None.

**X. ADJOURNMENT TO THE MEETING OF MONDAY, MARCH 10, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 7:31 p.m. to the Planning Commission meeting of Monday, March 10, 2008.

Submitted by: \_\_\_\_\_  
KIMBERLY BRANDT, SECRETARY  
COSTA MESA PLANNING COMMISSION