

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
March 10, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., March 10, 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 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 Christian Bettenhausen  
City Engineer Ernesto Munoz  
Senior Planner Mel Lee  
Associate Planner Wendy Shih

**III. MINUTES: Minutes for the meetings of February 11, 2008 and February 25, 2008**

The Chair approved the meeting minutes as distributed.

**IV. PUBLIC COMMENTS:**

There were no public comments.

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

Commissioner Clark apologized for his absence at the previous meeting due to illness.

**VI. CONSENT CALENDAR:**

**1. 2007 Annual Review of City of Costa Mesa's General Plan**

**MOTION: Receive and file.**

**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.

**2. Vacation of excess right-of-way associated with a portion of Alley No. 62, located between Orange Avenue and Newport Boulevard.**

Commissioner Righeimer requested that this item be pulled from the Consent Calendar to be discussed.

City Engineer Ernesto Munoz explained that the portion of the alley as it paralleled Orange Avenue was improved to prevent erosion and it was not being vacated at this time. He did note there may be future abandonment of that portion of the alley.

**MOTION: Adopt Planning Commission Resolution PC-08-24, finding that the vacation of excess right-of-way of a portion of Alley No. 62 is in conformance with the City of Costa Mesa's 2000 General Plan.**

**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. PUBLIC HEARINGS:

1. **Appeal of Zoning Application ZA-07-71, for Leigh Knudson and Donald Parsons, for a minor conditional use permit for outdoor storage including shipping containers and miscellaneous items, and to allow a mobile home to be used as storage, located at 717-719 Ohms Way, in an MG zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding the use of the mobile home, number of parking spaces, and the effect on parking if the mobile home is moved.

Don Parsons, appellant, stated that he wanted to use the mobile home for storage instead of for manufacturing, and would like to remove the stacked containers.

The Chair, Mr. Lee, and Mr. Parsons discussed mobile home usage and the stacked containers.

The Commissioners discussed with Mr. Parsons the conditions of approval, specifically maintaining 13 parking spaces, and cleaning up the property within 30 days.

Leigh Knudson, appellant, mentioned freeing up the parking spaces and re-striping them, and removing the stacked containers.

The appellants replied to the Chair that they agreed to all the conditions of approval except for Nos. 1, 2, and 5.

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

**MOTION: Uphold Zoning Administrator's decision, by adoption of Planning Commission Resolution PC-08-25, based on the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to the**

conditions, as follows:

**Conditions of Approval**

**1. The mobile home ~~and attached carport~~ shall be used for storage purposes only. ~~removed from the property.~~**

**2. ~~Two additional parking spaces shall be provided in place of the mobile home.~~**

**5. ~~The storage shed, shipping containers, and other miscellaneous outdoor items shall be consolidated into one area, under the direction of the Planning Division, located entirely behind the building, and shall not occupy more than 8 parking spaces.~~**

**7. The applicant shall maintain the outdoor storage area, at all times, in a manner that will minimize disruption and visual clutter to the surrounding tenants and properties. The applicant and/or business owner shall institute whatever operational measures are necessary to comply with these requirements.**

**Moved by Vice Chair James Fidler, seconded by Commissioner Sam Clark.**

During discussion on the motion, Commissioner Clark suggested that the words "and attached carport" be stricken from Condition No. 1, and the maker of the motion agreed.

Commissioner Clark and Commissioner Egan both supported the motion and commended the applicants.

Commissioner Righeimer suggested, and Deputy City Attorney Christian Bettenhausen agreed, to the re-wording of the motion, to uphold the Zoning Administrator's decision with modifications to the conditions. The maker and seconder of the motion agreed.

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.

**2. Review of Zoning Approval of BC07-00495, of a second-floor addition to a single-family residence, located at 1019 Cheyenne Street, 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.

Vice Chair Fislser acted in the Chair's absence.

Associate Planner Wendy Shih reviewed the information in the staff report and responded to questions from the Commission regarding the east elevation's one continuous wall and the setback of the side door shown in the floor plans.

Heather Armbruster, property owner, noted that Craig Smith was the architect, and agreed to all the conditions of approval. She also noted that she can't see this project having negative impacts.

Ms. Armbruster agreed to work with staff on the visual articulation on the east elevation as Commissioner Clark suggested and replied to Commissioner Righeimer that she does not currently reside at this property, she may use the upstairs for business, and may have a family member use one of the bedrooms.

Gary Hernandez, neighbor, expressed his concern that this property will be used for a board/care facility and noted there are 11 facilities in the area.

Mark Vilelli, nearby neighbor, said this property is a potential rest home and noted the parking impact.

Planning Commission Secretary Kimberly Brandt replied to Commissioner Clark that this property is a single-family home and Deputy City Attorney Christian Bettenhausen pointed out that the Zoning Code allows a residential care facility with 6 people or less within the R1 zone.

Trudy Hall, nearby neighbor, said this property will be a group home and is against group homes. She pointed out parking and privacy concerns, specifically with the proposed rear balcony.

Jeff Dixon, neighbor, expressed his concern for the proposed three doors along the front elevation of the house, and was especially concerned about the proposed rear balcony and privacy.

Jang Kim, nearby neighbor, expressed opposition to the rear balcony.

Patricia Frazier, nearby neighbor, mentioned parking concerns.

Todd Cowley, nearby neighbor, pointed out that this single-family home should be kept a single-family home and not a facility that brings noise (fire engines), pollution, and parking problems.

Bud Bardsley, nearby neighbor, agreed that many Fire engines/ambulances drive down this street, and explained a particular situation with a nearby board and care residence.

Ms. Armbruster said there are three facilities in the area and she doesn't see any impact on the neighbors.

Commissioner Righeimer and Ms. Armbruster discussed the front elevation exit doors and their access to the front patio.

Vice Chair Fidler allowed Mr. Hernandez to return to the podium to speak about board/care requirements and the issue of the front doors.

Vice Chair Fidler, Commissioner Righeimer, Commissioner Egan, Ms. Brandt, and Ms. Armbruster discussed the front exit doors; the need for emergency egress; putting in a senior care facility; eliminating two doors; and the requirement for Planning approval if the doors are put in at a later date.

Ms. Hall returned to the podium and stated that this home has

never had more than one front door/patio door.

The Vice Chair closed the public hearing.

The Commissioners discussed problems with residential care facilities; unlicensed facilities; limitations with the Zoning Code; suggestions to eliminate specific annoyances; and getting the City Council involved to make changes.

**MOTION: Uphold Planning staff’s decision, by adoption of Planning Commission Resolution PC-08-26, based on the evidence in the record and findings contained in Exhibit “A”, subject to conditions in Exhibit “B”, with the additional conditions, as follows:**

**Conditions of Approval**

**3. Bedroom Nos. 1, 2, and 3 shall not have full-length exterior doors and shall only have the minimum required dimensions for emergency exit windows.**

**4. The second story balcony shall be limited to facing the street.**

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

During discussion on the motion, Commissioner Egan asked for a condition to be added limiting the balcony to the front elevation. Both the maker and the seconder of the motion agreed.

The Vice Chair, Commissioner Righeimer, and Deputy City Attorney Bettenhausen discussed not allowing storage in the garage as a condition. Commissioner Clark stated he would not agree to this condition and withdrew his second.

**SUBSTITUTE MOTION: Upheld Planning staff’s decision, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the additional conditions, as follows:**

**Conditions of Approval**

3. Bedroom Nos. 1, 2, and 3 shall not have full-length exterior doors and shall only have the minimum required dimensions for emergency exit windows.

4. The second story balcony shall be limited to facing the street.

5. The garage shall not be used for storage.

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

Commissioner Clark and Commissioner Egan said they could not support the substitute motion.

Commissioner Righeimer and Deputy City Attorney Bettenhausen discussed enforcing parking requirements.

The substitute motion failed to carry. Commissioner Sam Clark and Commissioner Eleanor Egan voted no and Chair Donn Hall abstained.

Commissioner Clark pointed out that since the substitute motion failed to carry, they could vote on the original motion.

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

The Vice Chair explained the appeal process.

The Vice Chair called a recess at 8:07 p.m. and the Chair returned to the dais and resumed the meeting at 8:17 p.m.

In response to Commissioner Righeimer's request for staff to come back to the Commission with ideas relating to additional parking requirements for additional bedrooms, Planning Commission Secretary Kimberly Brandt replied that she would



follow up on this.

3. **Planning Application PA-07-45, for William Munce, authorized agent for Vera Hughes, for a conditional use permit to enclose an existing 300 sq. ft. outdoor patio to be used for smoking only (no serving or seating) for an existing bar/lounge (Detroit Bar) located within 200 feet of a residential zone, with a minor conditional use permit to deviate from shared parking requirements based on unusual operating characteristics, located at 843 W. 19th Street, in a C1 zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and responded to questions from the Commission regarding landscape pockets, their location, and visibility.

Dan Bradley, representative for William Munce, agreed to all the conditions of approval.

Mr. Bradley explained about the area as shown in the drawing handout and noted the door locations.

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

**MOTION: Approve Planning Application PA-07-45, by adoption of Planning Commission Resolution PC-08-27, 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.**

During discussion on the motion, Commissioner Righeimer complimented Mr. Bradley on this establishment, mentioning that it was one of the best places to go to in Orange County.

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-07-53, for John Steed, for a design review for a three-unit common interest development with variances for parkway landscaping (5 ft. house side, 10 ft. combined required; 0 ft. house side/0 ft. to 4 ft. combined proposed) and vehicle back-out distance (25 ft. required; 21 ft. proposed), a minor modification for a 10-ft. wide common driveway (16 ft. required), and a minor design review for second-to-first ratios exceeding the recommended 80% (105% and 122% proposed) and for 5 ft. left side setback (10 ft. average recommended), located at 257 16th Place, in an R3 zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and responded to a question from the Commission regarding providing adequate vehicle back-out distance.

John Steed, property owner, agreed to all the conditions of approval and gave a presentation highlighting the project.

Commissioner Egan suggested that a continuance would allow time for Mr. Steed to work on the design of the project.

Mr. Steed replied to the Chair that he would like to see the vote on this continuance.

Commissioner Clark shared Commissioner Egan's concerns on the long, back-out distance for the open parking spaces.

Doug Wright, nearby neighbor, opposed the project, and was concerned with the variances.

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

**MOTION: Continue to the Planning Commission meeting of April 14, 2008.**

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

During discussion on the motion, Commissioner Righeimer and Commissioner Clark suggested that Mr. Steed work with staff to find out what type of project would get approval with a 50-foot wide lot, and that time was of the essence.

The Vice Chair stated that his main concerns were parking, back-out distance, and the turn-around area.

Planning Commission Secretary Kimberly Brandt replied to the Chair that Mr. Steed would need to continue talking to his planner, Ms. Shih, concerning this project.

The Commission discussed the continuance date, being April 14, 2008, and Mr. Steed agreed to that date.

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.

A discussion between the Commissioners and Mr. Steed ensued after he asked the Commission for suggestions on improving his project.

Ms. Brandt added that there may be a need for re-noticing if a variance is required.

5. **Parcel Map PM-07-237, for Dave Woolley, authorized agent for Keith and Donna Ray, for a tentative parcel map to facilitate a two-unit, two-story detached residential common interest development, approved under PA-06-60, 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.

Donna Ray, 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-07-237, by adoption of Planning Commission Resolution PC-08-28, 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 Commissioner Sam Clark.**

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fislser,  
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, MARCH 24, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 8:58 p.m. to the Planning Commission meeting of Monday, March 24, 2008.

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