

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
March 24, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., March 24, 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.

The Vice Chair 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
Principal Planner Willa Bouwens-Killeen
Principal Planner Claire Flynn
Senior Planner Mel Lee
Associate Planner Wendy Shih

III. MINUTES: Minutes for the meetings of March 10, 2008

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

Ross Pfautz, Costa Mesa, noted his concerns about the components of the Westside Plan; mentioned that 19th Street is not a through street; and said the Commission needs to consider the

issues more carefully, especially requiring Negative Declarations on new developments on the Westside.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Righeimer spoke in response to Mr. Pfautz' comments mentioning that regarding the overlay on the Westside, a plan needs to be put in place so that new developers pay fees so that problems can be fixed. He also requested community feedback regarding illegal structures, such as the case at 378 Costa Mesa Street, and the appropriate course of action.

Commissioner Egan agreed with Commissioner Righeimer and said that the City Council needs community feedback.

Vice Chair Fislter pointed out that the property was reviewed by the Commission and Council, and it contained an illegally built unit.

In respect to Public Hearing Item No. 1, Specific Plan SP-08-01, the Chair asked that the item be trailed to allow more time for Mr. Wilson, authorized agent for South Coast Plaza, to be present for the public hearing.

VI. PUBLIC HEARINGS:

2. **Planning Commission Review of PA-98-18, for Hanour Corporation, a conditional use permit for a nightclub (Shark Club) with two dance floors and off-site parking, located at 841 Baker Street (Shark Club) with off-site parking located at 769 and 801 Baker Street and 2969 and 2972 Century Place, in the C1 and MG zones. Environmental determination: exempt.**

Principal Planner Willa Bouwens-Killeen reviewed the information in the staff report and responded to questions from the Commission regarding the reason for this review; the number of Police and Fire Department reports received; and the number of public communications received.

John Hanour, owner, discussed the parking survey and stated that an additional person has been hired to manage the parking lot. He also discussed the Huddle's parking lot

situation.

Tim Callaway, Pentridge Cove Homeowners Association President, Costa Mesa, said that the parking problems originally attributed to the Shark Club actually involve their own residents and that they will take care of their own residents' parking concerns.

Glen Katamoto, Costa Mesa, expressed his concerns with the expansion of the Shark Club and with mailboxes that have been damaged on Jeffrey Drive. The Chair reminded Mr. Katamoto that this item was to review the permit, not for expansion.

Jody Lawrence, Costa Mesa, expressed her concerns about the noise level, trash left on the streets, and vandalism.

Mr. Hanour returned and pointed out that there is security on Jeffrey Drive and the street and parking lot are cleaned up every morning. He also stated no Shark Club patrons are parking at Pentridge Cove.

In response to Commissioner Clark's question on what measures are being taken to curb a recent noise complaint, Mr. Hanour responded that he strives to prevent these problems from happening. He said he has 15 security people, 10 inside and 5 outside. He noted that the Police Sergeant at the scene of the recent noise complaint said his staff did a good job handling the situation.

The Chair closed the public hearing.

MOTION: Find that the Shark Club is operating in compliance with their conditions of approval for PA-98-18. 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.

The Chair suggested continuing Public Hearing Item No. 1 to another meeting followed by Commissioner Clark asking that the item be moved to the end of the agenda.

MOTION: Move Public Hearing Item No. 1 to the end of the agenda to give Mr. Wilson time to arrive.

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

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.

3. **From the meeting of January 28, 2008, Planning Application PA-07-31 and Tentative Map T-17248, for Justin McMillen, authorized agent for property owners Andre Ferreira/Sam Ranca, for the following: (1) Master Plan for a 7-unit, three-story, attached residential common-interest development; (2) deviations from open space, lot coverage, rear yard coverage, setback standards, size of residential loft areas, parking requirements, and residential design guidelines regarding bulk/massing; (3) density bonus of 2 units per overlay zone; and (4) subdivision of the property for condominium purposes. The properties are located at 616 Center Street and 613 Plumer Street, in the Mesa West Residential Ownership Urban Plan area and in the R2-HD zone. Environmental Determination: exempt.**

Principal Planner Claire Flynn reviewed the information in the staff report, highlighting the changes to the project; discussed the options for the Planning Commission to consider; and addressed the information in the supplemental memo dated March 19, 2008. She indicated that project revisions resulted in the project's compliance with Code-required parking, lot coverage, and open space standards. Ms. Flynn responded to questions from the Commission regarding the relative size of

the lofts, access to the roof, and parking spaces.

Justin McMillen, designer of the project as well as one of the property owners, gave a visual presentation and discussed the changes to the building and concerns relating to mass, height, parking setbacks, architecture, and onsite water retention.

Dean Sandman, Ateck America, contractor installing the green roof, discussed green roofing and noted previous roofs completed. He also provided a roof sample to the Commission and explained its composition.

Andre Ferreira, owner, also gave a presentation noting everyone they have met with in the community.

Cecil Geland, Costa Mesa, gave his support for the project and added that he is the window contractor.

Bill Turpit, Costa Mesa, also supported the project and noted the positive impact it will have on the City.

Ross Pfautz, Costa Mesa, provided a letter to the Commission opposing the project which included signatures of neighbors from the Vendome Condominiums in agreement with his views.

John Drake, Costa Mesa, discussed privacy issues.

Will Caldwell, Costa Mesa, expressed concern with heavy rainfall and how the water will be retained on the property.

Mr. McMillen addressed the Chair's question on retaining water, stating that he doesn't see any issues and the plant materials will catch the water and irrigate the plants.

The Chair, Vice Chair Fisler, Ms. Flynn, and Mr. McMillen discussed first floor setback, the raised platform, the number of people in a unit, the slow percolation of water, and the pump requirement.

City Engineer Ernesto Munoz stated that the letter of

conditions, dated October 25, 2007, requires the applicant to submit a hydrology report for the Engineering Division to review and approve.

Deputy City Attorney Christian Bettenhausen explained that the CC&R's can limit the number of people in a project unit.

Francoise Pichon, Laguna Beach, said that under the current lending institution guidelines, 90% of the building must be owner-occupied, not rental.

Mr. McMillen returned to the podium and emphasized that he is here to make improvements to the community.

Mr. Pfautz returned to the podium and mentioned that the CC&R's cannot be enforced by the City regarding occupancy of the units.

Deputy City Attorney Bettenhausen explained that generally the City does not enforce the CC&R's, and the Chair noted that the CC&R's can expire if not renewed.

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

MOTION: Approve Master Plan PA-07-31 for "Coastal Heights," a 7-unit, 3-story multifamily attached, common interest residential development project in the Mesa West Residential Ownership Urban Plan area, by adoption of Planning Commission Resolution PC-08-29, as revised per supplemental memo dated March 19, 2008, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B", replacing Condition No. 41 with the following condition instead:

Conditions of Approval

41. Applicant shall provide code-required parking in the parking garage. The final parking design, including all 23 standard parking stalls, ramp slope standards, and drive aisle shall be approved by the Transportation Division prior to submission of building plans for plancheck.

Continue Tentative Tract Map T-17248 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 Clark commented that he appreciates all the efforts made on this project and hopes the runoff will be improved in the area.

Vice Chair Fisler said he supports the motion and asked the maker of the motion about adding additional wording to continue Tentative Tract Map T-17248 to the Planning Commission meeting of April 14, 2008. The maker of the motion and the seconder agreed.

Vice Chair Fisler and Planning Commission Secretary Kimberly Brandt discussed the resolution approving only the Master Plan.

The Chair noted that Condition No. 41 should be revised using the wording from the second to the last paragraph of the supplemental memo dated March 19, 2008. The maker of the motion and the seconder agreed.

The Chair, Vice Chair Fisler, and Ms. Flynn discussed the Tentative Tract Map, the new resolution dated March 24, 2008, and that all the provisions relating to the tentative tract map have been removed from the resolution.

Commissioner Righeimer congratulated the applicant on the project and pointed out that the Westside Plan has been put into effect.

Commissioner Egan gave her support for the project noting that we need to improve our infrastructure and said the Orange County Transportation Authority is working on improving the intersection of 19th Street/Newport Boulevard.

The Chair thanked the property owners and complimented them on this nice, modern 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.

The Chair called a recess at 8:03 p.m. and resumed the meeting at 8:19 p.m.

4. **Parcel Map PM-07-181, for George Bach/The Abstract Consulting Group, authorized agent for Scott and Valorie Vincent, for a parcel map to facilitate a two-unit residential common interest development, approved under PA-07-35, located at 1509 Orange Avenue, Units A & B, in an R2-MD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Rex Swartz, representative for the authorized agent, stated that the Parcel Map is in full compliance.

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

MOTION: Approve Parcel Map PM-07-181, by adoption of Planning Commission Resolution PC-08-30, based on the evidence in the record and findings contained in Exhibit "A", subject to the one condition of approval 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 Fisler,
Commissioner Sam Clark, Commissioner Eleanor
Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

5. **Parcel Map PM-07-192, for The Saywitz Company, for a**

parcel map to facilitate a 4-unit common interest development conversion approved under PA-07-04, located at 679 W. 18th Street, in an R3 zone. Environmental determination: exempt.

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

The applicant was not in attendance, but the Chair proceeded with the item.

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

MOTION: Approve Parcel Map PM-07-192, by adoption of Planning Commission Resolution PC-08-31, based on the evidence in the record and findings contained in Exhibit "A", subject to the one condition of approval in Exhibit "B".

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 Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

6. **Tentative Tract Map T-17265, for Peter Zehnder, authorized agent for Elden Street Partners, for a tract map to facilitate a 12-unit residential common interest development conversion, approved under PA-06-29, located at 2379 and 2381 Elden Avenue, in an R2-MD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Peter Zehnder, authorized agent for the property owner, said it was a pleasure to be here and gave no presentation.

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

MOTION: Approve Tentative Tract Map T-17265, by adoption of Planning Commission Resolution PC-08-32, based on the evidence in the record and findings contained in Exhibit "A", subject to the condition of approval in Exhibit "B".

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

During discussion on the motion, Commissioner Egan confirmed with Commissioner Clark that his motion was for approval.

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.

1. **Specific Plan SP-08-01, for David Wilson, authorized agent for South Coast Plaza, to amend the North Costa Mesa Specific Plan and Theater and Arts District Plan by modifying several pages of text of the Theater and Arts District Plan, located east of Bristol, south of Sunflower, west of Avenue of the Arts, and north of Interstate 405, in a TC zone. Environmental determination: exempt.**

Commissioner Clark replied to the Chair that he was unable to contact Mr. Wilson concerning his availability tonight.

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

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

Planning Commission Secretary Kimberly Brandt agreed with the Chair that the continuance of this item was a satisfactory action.

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.

Planning Commission Secretary Kimberly Brandt noted that the City is hosting a Draft Housing Element Community Workshop on April 7, 2008, at 5:30 p.m., in the City Council Chambers. The first Planning Commission public hearing on the Housing Element is scheduled for April 28, 2008. She also mentioned Planning's Annual Open House scheduled for May 12, 2008.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, APRIL 14, 2008.

There being no further business, Chairman Hall adjourned the meeting at 8:30 p.m. to the Community Workshop on the Draft Housing Element on Monday, April 7, 2008, at 5:30 p.m.

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