

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
May 14, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., May 14, 2007, 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.**

Vice Chair Fisler 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. R. Michael  
Robinson

Deputy City Attorney Tom Duarte  
City Engineer Ernesto Munoz  
Principal Planner Kimberly Brandt  
Senior Planner Mel Lee  
Assistant Planner Wendy Shih

III. **MINUTES: Minutes for the meeting of April 23, 2007**

The Chair approved the minutes as distributed.

IV. **PUBLIC COMMENTS:**

There were no public comments.

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

Commissioner Righeimer noted that on Wednesday, May 16, at 6:30 p.m., the Ayn Rand Institute is providing a seminar on Private Property Rights at the Hilton Costa Mesa. This seminar is free to the public.

VI. **CONSENT CALENDAR:**

1. **Development Agreement DA-07-02, for Ellery Brown, authorized agent for the Orange County Performing Arts Center and South Coast Repertory Theatre, for the annual review of the Segerstrom Center for the Arts Development Agreement (DA-00-03), generally located east of Park Center Drive and west of the Avenue of the Arts between Sunflower Avenue and Anton Boulevard. Environmental determination: exempt.**

**MOTION: Based on the evidence in the record, find that the Orange County Performing Arts Center and South Coast Repertory Theatre have demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-03.**

**Suspend annual reviews of this development agreement until construction of the Orange County Museum of Art, which will trigger additional obligations.**

**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 Fidler, Commissioner Eleanor Egan  
and Commissioner James Righeimer

Noes: None.

Absent: Commissioner Sam Clark

2. **General Plan Conformity Finding for the proposed vacation of  
Paularino Avenue between Airway Avenue and John Wayne  
Airport.**

City Engineer Ernesto Munoz explained that this item  
needs to be continued due to the fact that the  
agreement has not been completed.

**MOTION: Continue to the Planning Commission  
meeting of May 29, 2007.**

**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 Fidler, Commissioner Eleanor Egan  
and Commissioner James Righeimer

Noes: None.

Absent: Commissioner Sam Clark

**VII. PUBLIC HEARINGS:**

1. **Planning Application PA-06-61 and Parcel Map PM-06-218, for  
Richard Gibson, for a residential common interest development  
conversion of 3 apartment units into condominiums, with a**

[parcel map to facilitate the conversion, located at 115 Del Mar Avenue, in an R2-MD zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission relating to parking and private open space.

Richard Gibson, applicant, Costa Mesa, gave a presentation and addressed Commissioner Egan's conformity concerns. Mr. Gibson agreed to the additional condition of approval Commissioner Egan proposed, as follows: "The applicant shall fence and provide direct access from Unit A to the private open space designated for that unit." He also addressed Commissioner Righeimer's access concerns.

Mr. Gibson agreed to the conditions of approval. No one else wished to speak and the Chair closed the public hearing.

**MOTION: Approve Planning Application PA-06-61 and Parcel Map PM-06-218, by adoption of Planning Commission Resolution PC-07-39, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with an additional condition, as follows:**

**Conditions of Approval**

**23. The applicant shall fence and provide direct access from Unit A to the private open space designated for that unit.**

**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 Fidler, Commissioner Eleanor Egan and Commissioner James Righeimer

Noes: None.

Absent: Commissioner Sam Clark

The Chair explained the appeal process.

2. [Planning Application PA-07-12, for Shawn Reilly, authorized agent for Michael Gould, for a conditional use permit to allow a temporary \(12-18 months\) office, preschool, and after school program, located at 265 McCormick Avenue, in an MP zone. Environmental determination: exempt.](#)

Assistant Planner Wendy Shih reviewed the information in the staff report and responded to questions from the Commission relating to Condition of Approval No. 4 and the traffic impact fee calculation.

David Guder, an Elder at St. Andrews Presbyterian Church, spoke on behalf of Shawn Reilly, and gave a presentation. He agreed to the conditions of approval.

Mr. Guder discussed licensing requirements and the outdoor play area with Commissioner Egan and the fee requirement with Chair Hall.

Trevecca Okholm, Children and Family Pastor, St. Andrews Presbyterian Church, spoke about the indoor area and the after-school and morning programs.

Martin Millard, Costa Mesa, noted his concerns about the outside play area and the neighboring business; possible machine shop, with solvents, which could be a contamination problem.

Mr. Guder explained that the adjacent firm is Mission Control, a software engineering firm involved with computer work. The firm is not a machine shop.

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

MOTION: Approve Planning Application PA-07-12, by adoption of Planning Commission Resolution PC-07-40, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".

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

During discussion on the motion, Commissioner Egan asked if the maker of the motion and the second would accept modifications to the conditions, as follows: Condition No. 4 would read, "Submit detailed play area enclosure plans for staff approval, a detailed schedule for the use of the play area, and approval of the use from the adjoining tenant prior to the opening of the preschool or after-school program."

Also, Condition No. 9, "The required regulatory license for the site must be obtained prior to the opening of the facility for the preschool or after-school program and must be maintained throughout the duration of the use of the facility." The maker of the motion and the second accepted the modifications as well as Mr. Guder.

**MOTION: Approve Planning Application PA-07-12, by adoption of Planning Commission Resolution PC-07-40, 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**

**4. Submit detailed play area enclosure plans for staff approval, a detailed schedule for the use of the play area, and approval of the use from the adjoining tenant prior to the opening of the preschool or after-school program. ~~establishing outdoor play activities.~~**

**9. The required regulatory license for the site must be obtained prior to the opening of the facility for the preschool or after-school program and must be maintained throughout the duration of the use of the facility.**

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

Commissioner Righeimer expressed his support for the motion.

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

The Chair explained the appeal process.

3. [Tentative Tract Map T-17147, for Christina Inman, authorized agent for 322 Ogle LLC, to facilitate the residential common interest development conversion of 5 apartment units into condominiums \(approved under PA-06-15\), located at 322 Ogle Street, in an R2-MD zone. Environmental determination: exempt.](#)

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

The applicant was not in attendance; however, Commissioners Egan and Righeimer both stated they wanted to go forward with this item.

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

**MOTION: Approve Tentative Tract Map T-17147, by adoption of Planning Commission Resolution PC-07-41, 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 Eleanor Egan.**

During discussion on the motion, Commissioner Righeimer stated his support for the motion.

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

**VIII. NEW BUSINESS:**

1. **Request by Barry Saywitz for Barry Saywitz Properties Two LP, for a rehearing of PA-06-78/T-17142 consisting of a residential common interest development (condominiums) conversion of 12 apartment units with a tract map to facilitate the conversion located at 577 and 579 Victoria Street. Environmental determination: exempt.**

There was no presentation made by staff.

The Chair asked if anyone wished to come forward to speak on this item that will not be able to attend the meeting of June 11, 2007. No one wished to speak and the Chair closed the public hearing.

**MOTION: Continue to the Planning Commission meeting of June 11, 2007.  
Moved by Commissioner Eleanor Egan, seconded by Chair Donn Hall.**

During discussion on the motion, Deputy City Attorney Tom Duarte addressed Commissioner Righeimer's questions relating to the rehearing, the time length for an appeal, and final City Council action.

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

The Chair asked the Commission members if there were any objections to allowing a Mesa Consolidated Water District board member to come forward to the podium to speak prior to the report of the Development Services Department, and there were no objections.



Trudy Ohlig-Hall, Mesa Consolidated Water District, invited the Commission to the Annual Meeting of the Water Issues Study Group Alumni on May 24, 2007, and provided invitations to the Commission.

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

Planning Commission Secretary Mike Robinson mentioned that the Special Joint Study Session with the City Council will take place on May 22, and the primary discussion will be concerning condominium conversions.

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

None.

**XI. ADJOURNMENT TO THE SPECIAL JOINT STUDY SESSION OF TUESDAY, MAY 22, 2007, AND THEN THE REGULAR MEETING OF TUESDAY, MAY 29, 2007.**

There being no further business, Chairman Hall adjourned the meeting at 7:17 p.m. to the Special Joint Study Session of Tuesday, May 22, 2007, and then the regular meeting of Tuesday, May 29, 2007.

Submitted by: \_\_\_\_\_  
R. MICHAEL ROBINSON, SECRETARY  
COSTA MESA PLANNING COMMISSION