

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
June 25, 2007**

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

Absent: Commissioner James Righeimer

Also Present: Planning Commission Secy. Michael
Robinson

Deputy City Attorney Paul Coble
Acting City Engineer Baltazar Mejia
Associate Planner Wendy Shih
Assistant Planner Rebecca Robbins

III. MINUTES: Minutes for the meeting of June 11, 2007

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

There were no Planning Commissioner comments.

VI. PUBLIC HEARINGS:

1. Extension of time for Mark Lammas, authorized agent for Maquire Properties; the one-year time extension will apply to the following applications (1) Final Master Plan PA-02-33, for the construction of an 18-story, 400,000 sq. ft. office building and 5-level, 770-space parking structure, inclusive of a previously-approved variance to the street setback requirement for the parking structure; and (2) Vesting Parcel Map PM-03-250 to subdivide approximately 20 acres into 14 parcels (10 for building footprints and 4 for common areas) for Two Town Center Development (3200 Bristol Street; 3199, 3200, and 3210 Park Center Drive; and 601, 611, 633, and 675 Anton Boulevard) in a TC zone. Environmental determination: Final Program EIR No. 1047 (certified in February 2001) and Mitigated Negative Declaration for 18-story high-rise building (approved in October 2002).

Assistant Planner Rebecca Robbins reviewed the information in the staff report. She said this was the second request for a time extension and staff supports the time extension.

Paul Julian, representing Maguire Properties, agreed to the conditions and gave no presentation.

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

MOTION: Approve the one-year time extension from July 12, 2007 through July 12, 2008, for Vesting Tentative Parcel Map VPM-03-250 and Final Master Plan PA-02-33, by adoption of Planning Commission Resolution PC-07-48, predicated upon the activities described in the staff report for vesting tentative parcel map and final master plan and in compliance with each and all the conditions and mitigation measures as referenced in this report and in Planning Commission Resolutions PC-04-47 and PC-06-81 and Council Resolution Nos. 02-78 and 03-79. 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 and Commissioner Eleanor Egan

Noes: None.

Absent: Commissioner James Righeimer

2. [Review of Zoning Application ZA-07-17, for Dana Wandrocke, authorized agent for Keller Costa Mesa Limited Partnership, for a minor conditional use permit to legalize outdoor storage containers, located at 734 Ohms Way in an MG zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih reviewed the information in the staff report and said staff recommends that the Commission uphold, reverse, or modify the Zoning Administrator's approval.

Commissioner Clark stated he filed this zoning application review noting what he felt to be an excessive number of storage units and the need

for additional conditions, specifically that no customer traffic be allowed at this property.

Dana Wandrocke, representing Keller Costa Mesa Limited Partnership, said he agrees to remove two containers in the back of the property to allow for the four regular parking spaces and one handicapped parking space. He also agreed to Commissioner Clark's additional condition of no customer traffic to the site.

Commissioner Egan and Mr. Wandrocke discussed the height of the container; she discussed with staff about the block wall; and suggested a further condition of approval for outdoor storage that the site shall be used solely for warehouse purposes and no business other than storage and retrieval shall be conducted at the site. Mr. Wandrocke agreed to that condition.

The Chair and Vice Chair discussed how many containers would be left at the site. There also was a discussion concerning the building code requirement for handicapped parking.

The Chair and Mr. Wandrocke continued discussing the available parking and Condition of Approval No. 5. Ms. Shih noted that staff recommends five parking stalls.

Commissioner Clark and Ms. Shih discussed the dimensions and back-out distance available behind the property to allow parking without the removal of bins.

The Chair suggested deleting Condition of Approval No. 1.

Lee Knudson, Costa Mesa, stated that he owns property on Ohms Way, across the street. He voiced his concerns in detail about the parking problems on Ohms Way in addition to Code Enforcement concerns, noting that there are eight auto repair and two boat shops that generate a lot of parking.

The Chair closed the public hearing.

MOTION: Uphold the Zoning Administrator's approval of Zoning Application ZA-07-17, by adoption of Planning Commission Resolution PC-07-49, subject to the findings in Exhibit "A" and the conditions of approval in Exhibit "B", with the additional Condition No. 8 to include no customer traffic to the site and the Condition No. 9 that the site shall be used solely for warehouse purposes and no business other than storage and retrieval shall be conducted at the site.

During discussion on the motion, the Chair asked Commissioner Clark about Condition of Approval No. 1 and if he wanted the wording to be changed. There was a discussion and Commissioner Clark indicated that the first sentence of Condition of Approval No. 1 should be removed and replaced with Condition of Approval No. 10, "Allow the applicant to provide as many spaces as feasible directly in front of the containers in a parallel condition to those containers and include one handicapped stall." The Vice Chair withdrew his second to the motion.

Vice Chair Fidler explained to Commissioner Clark that he withdrew his second to the motion because he did not want to change the wording of Condition of Approval No. 1. He was concerned about the safety issue and that the Commission should go with the Zoning Administrator's conditions. Commissioner Clark agreed to keep Condition of Approval No. 1 as is.

Commissioner Clark agreed to keep Condition of Approval No. 1 as is and to add Condition of Approval Nos. 8 and 9.

MOTION: Uphold the Zoning Administrator's approval of Zoning Application ZA-07-17, by adoption of Planning Commission Resolution PC-07-49, subject to the findings in Exhibit "A" and the conditions of approval in Exhibit "B", with the additional conditions, as follows:

Conditions of Approval

8. There shall be no customer traffic to the site.

9. The site shall be used solely for warehouse purposes and no business other than storage and retrieval shall be conducted at the site.

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 and Commissioner Eleanor Egan

Noes: None.

Absent: Commissioner James Righeimer

- 3. [Planning Application PA-06-59 and Parcel Map PM-06-250, for Louie Del Real, authorized agent for Aurelio Pimentel, for a residential common interest development conversion of 4 apartment units into condominiums and a parcel map to facilitate the conversion, located at 1843 Pomona Street, in an R2-HD zone. Environmental determination: exempt.](#)**

Associate Planner Wendy Shih reviewed the information in the staff report and said staff recommends approval by adoption of Planning Commission resolution, subject to conditions. Vice Chair Fisler noted his concerns about the "clean" termite report and wants staff to review the report.

Louie Del Real, authorized agent for the owner Aurelio Pimentel, said he was in agreement with the conditions of approval. He noted that the property recently changed ownership two years ago and everything, including the termite issue, was fixed.

Fred Solter, representing Solter Family Trust, adjacent property owner, spoke in favor of this project.

Mr. Del Real discussed with Vice Chair Fislser that the structural engineering looked good and no improvements would be made to the plumbing and electrical behind the drywall. He also stated that he would comply with the 100-amp service and the condition of the driveway was fair.

Mr. Solter returned to the podium and explained that the sewer lines looked good in reply to the Chair's suggestion of video-inspecting the sewer. There was a discussion concerning if there was a building code requirement about the sewer and Condition of Approval Nos. 13 and 27 being redundant.

Commissioner Egan proposed modifications to the Conditions of Approval and asked the applicant to comment on the following:

Condition of Approval No. 29 should read, "The Applicant shall demolish the existing laundry room and convert the area to landscaped open space."

31. All garages shall be equipped with new doors and automatic garage door openers.

32. To discourage use of the patios for storage of household goods, patios shall be landscaped under direction of Planning staff and no more than one-third of any patio area shall be paved.

33. The applicant shall have a video tape inspection of the condition of the sewer.

The Chair, Commissioner Egan and Mr. Del Real discussed useable open space and paving the yard. Mr. Del Real agreed to the proposed modifications to the conditions of approval.

MOTION: Approve Planning Application PA-06-59 and Parcel Map PM-06-250, by adoption of Planning Commission Resolution PC-07-50, subject to the findings in Exhibit "A" and the conditions of approval in Exhibit "B", including the additional conditions of approval, with Condition of Approval No. 13 as is.

Moved by Chair Donn Hall, but the motion died for lack of a second.

Vice Chair Fisler stated that he does not like the project and it is very dense and underparked.

Mr. Del Real said that he just wants to complete the project.

Commissioner Clark explained to the Chair that this project does not have enough parking or open space; the driveway is not being repaved; and there are plumbing, electrical, and density concerns.

Vice Chair Fisler reiterated that he wants an updated termite report and the common walls taken out. He then made a motion.

MOTION: Denied Planning Application PA-06-59 and Parcel Map PM-06-250, by adoption of Planning Commission Resolution PC-07-50, on the basis (Findings) as follows:

Findings

A. The information presented does not substantially comply with Costa Mesa Municipal Code Section 13-20(g)(6) in that the minor modification for a 4-foot encroachment into the required 20-foot front setback will be materially detrimental to the health, safety and general welfare of persons residing within the immediate vicinity of the project or to property and improvements within the neighborhood.

B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(e) in that:

a. The project is not compatible and harmonious with existing development and uses in the general neighborhood.

b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.

C. The proposed single lot airspace subdivision is not consistent with the City's General Plan and Zoning Ordinance.

D. The subject property is not physically suitable to accommodate PM-06-250 in terms of type, design and density of development. Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

The Chair and Vice Chair Fisler thanked Mr. Del Real.

The motion carried by the following roll call vote:

Ayes: Vice Chair James Fisler, Commissioner Sam Clark, and Commissioner Eleanor Egan

Noes: Chair Donn Hall

Absent: Commissioner James Righeimer

The Chair stated the appeal process.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Planning Commission Secretary Mike Robinson said that the Study Session will be in CR-1A, Tuesday, June 26, at 6:30 p.m.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE STUDY SESSION OF TUESDAY, JUNE 26, 2007, AND THE REGULAR MEETING OF MONDAY, JULY 9, 2007.

There being no further business, Chairman Hall adjourned the meeting at 7:47 p.m. to the Study Session of Tuesday, June 26, at 6:30 p.m., and then to the regular meeting of Monday, July 9, 2007.

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