

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
July 12, 2004**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., July 12, 2004 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Garlich, followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

Commissioners Present:

Chairman Bruce Garlich
Vice Chair Bill Perkins
Katrina Foley, and Eric Bever

Commissioner Absent:

Dennis DeMaio

Also Present: Perry L. Valantine, Secretary

Costa Mesa Planning Commission
Linda Nguyen, Deputy City Attorney
Fariba Fazeli, Senior Engineer
Raja Sethuraman, Associate Engineer
R. Michael Robinson, Plng. & Redevelopment Mgr.
Kimberly Brandt, Senior Planner
Claire Flynn, Associate Planner
Mel Lee, Associate Planner

MINUTES:

The minutes for the meeting of June 14, 2004 were accepted as distributed and the minutes for June 28, 2004 were held over to the Planning Commission meeting of July 26, 2004.

PUBLIC COMMENTS:

Igal Israel, 2380 Newport Boulevard, Costa Mesa, announced that he is in litigation with the City and briefly expressed his opposing views. In response to question from Mr. Israel regarding where is the legal valid law that allows a City to require all projects to conform to current building requirements, and not to recognize the legal nonconforming status of that property, Commissioner Foley said her personal view is that from a generic viewpoint, that's not what is happening. Each nonconforming use is being considered and the application considered on a case-by-case basis depending on the application. She said she was not speaking on behalf of the City. The Chair commented that the Planning Commissioners are appointed and are not elected. He advised Mr. Israel that if he had questions about how the Commission makes decisions, all of the minutes of the meetings are available online, or he could come to the City Clerks office and ask for that information.

Commissioner Foley said she requested a status of this litigation at the last meeting from the City Attorney's Office and had not received any word. Mr. Valantine said he would check with the City Attorney's office and get back with her. He thought the Sr. Deputy City Attorney had provided something to the Commission. Commissioner Foley confirmed they had not.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

None.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:

GENERAL PLAN AMENDMENT
GP-04-02/REZONE R-04-02/LOT
LINE ADJUSTMENT LL-04-01

The Chair opened the public hearing for consideration of General Plan Amendment GP-04-02/Rezone Petition R-04-02/Lot Line Adjustment LL-04-01 for Eugene Stirbu, property owner, to change the General Plan land use designation from Light Industry to Neighborhood Commercial; rezone from CL/MG to Local Business District (C1) for the property located at 1695 Superior Avenue and 635 W. 17th Street; and combine two parcels into one parcel. Environmental determination: Mitigated Negative Declaration.

Associate Planner Claire Flynn reviewed the information in the staff report and gave a brief visual presentation of the site characteristics. She stated that staff is recommending Planning Commission recommend to City Council: (1) adoption of mitigated negative declaration and mitigation monitoring program; (2) approval of General Plan Amendment GP-04-02; (3) first reading be given to the ordinance for Rezone Petition R-04-02, and (4) approval of Lot Line Adjustment LL-04-01, by adoption of Planning Commission resolution, **or**, continue this item to expand the General Plan amendment to include adjacent industrial parcels.

In response to a question from Vice Chair Perkins regarding possible long-term leases or new leases in the adjacent industrial parcels, Ms. Flynn stated that a business license was recently approved for another business on the property to the west last week. Ms. Flynn indicated that she did not have information related to the expiration of the leases of the existing businesses.

In response to a question from Commissioner Bever, regarding other corner sites and their commercial zoning, i.e., Trader Joe's, Michaels, Ms. Flynn stated that the zoning is C2 (general commercial).

In response to a question from Commissioner Foley as to whether staff spoke to the property owners, Ms. Flynn stated that staff did not communicate with the adjacent property owners. However, the applicant communicated to staff that he had been communicating with the property owner to the west, and both property owners agreed not to combine the properties. They were not interested in expanding the General Plan amendment request. Further, there was no communication yet with the property owners to the south because the preliminary traffic analysis indicated that any inclusion of additional project sites, other than the single property to the west, would cause a significant adverse impact. In response to a question from Commissioner Foley regarding staff's understanding of Council's direction to "insure it is not site specific", Ms. Flynn explained that City Council directed staff to evaluate the necessity for a site-specific FAR given the potentially significant traffic impacts. The City contracted with Austin-Foust to do the traffic analysis, which found that a site specific FAR was not necessary; the maximum FAR allowed under the Neighborhood Commercial General Plan land use designation would not result in any significant adverse impact related to the proposed project. In further response to Council's direction concerning lot combination incentives, Ms. Flynn explained that lot combination incentives were not proposed due to the potentially significant traffic impacts related to expanding the General Plan amendment to include the three additional parcels. She said there were a number of constraints encountered: (1) the property owners were not interested in participating and there were no incentives for the property owner to the west to participate as part of this project; and (2) the applicant was not interested delaying the proposal of a subsequent development review for his new building at the property. Because of those constraints, staff did not further investigate lot combination incentives.

In response to a question from Commission Bever regarding that section of this request could be brought back separately, Mr. Valentine stated that the Commission has a number of alternatives available: (1) the Commission can forward a recommendation to City Council on the corner parcels (owned by the applicant for this project), and (2) Commission can forward a recommendation to Council on the surrounding parcels, i.e., consider them separately, not consider them, or, consider them all at once. He said it would require a continuance of the current application on the applicant's property in order to consider all of them at the same time. Also, staff did not go

forward with that additional study because it would have required an EIR, for which there was no funding, nor could the applicant be asked to finance an EIR for surrounding properties. He said from staff's standpoint, the primary advantage to considering all of these would be to the extent that the properties could be combined into a single unified development, whether industrial or commercial. He said the property to the south of the subject property is a relatively recent building and is not likely to be combined for redevelopment; the property owners of the property to the west are not interested in pursuing that at the present time. In response to the Chair, Mr. Valantine said he believed a continuance of both the parcels to the west and parcels to the south for further consideration would require Council authorization of funding for environmental studies (because of the traffic issues involved), if looking only at the parcel to the west, the expenditure would not be as great, but would still require an expenditure for traffic studies that would have to be authorized.

Commissioner Foley asked if there was any way to design the corner in such a way so that it leaves open, the option of future lot combination or future coordination if there is a possibility that those other parcels could go commercial. She said her concern is that it's a corner location so it naturally faces at Superior Avenue and 17th Street—the problem with that is everything is in the back, and if you had a development that did want to come in, and there was a possibility in the future for lot combinations, it would be more difficult once the building is up to make the back of that building look “pretty.” There was discussion between Commissioner Foley, Ms. Flynn and Mr. Valantine regarding future possibilities.

Commissioner Foley stated that she did not want to hold up what was going to be an improvement to that corner, but at the same time, she did not want to foreclose on some future opportunity to improve the surrounding area.

Julio Gener, 20102 S.W. Birch Street, Newport Beach, agreed to the conditions but requested discussion. He said that the property owner is willing to work with the City regarding site design alternatives and that they were ready to submit a development proposal soon.

In response to a question from the Chair regarding a continuance, Mr. Gener said this was not one of the interests of their client and this project has been in his office for approximately 1-1/2 years. He said his client has an interest to work and cooperate with the neighbors, but at this particular time, they would like to proceed into the next phase and moving his business across the street. He said there is that opportunity there and they acknowledge it and would like to see that happen some day. He said if the Commission could allow this to continue on, he would work with staff to do whatever is necessary.

Igal Israel, 2380 Newport Boulevard, Costa Mesa, spoke in favor of the project.

Kathleen Eric, 1825 Placentia Avenue, Costa Mesa, also spoke in favor of the project. She was particularly happy to hear about a project that revitalizes the Westside. She described the present state of the site and felt the corner would be transformed.

William Pezzullo, 3400 Meadow Brook, Costa Mesa, spoke in favor of the project and asked the Commission to move forward and approve this project. He felt if the project is approved, it could shake up other property owners and encourage them to get involved in making some positive improvements in their businesses as well.

No one else wished to speak.

MOTION 1:

A motion was made by Chairman Garlich, seconded by Commis-

GP-04-02/R-04-02/LL-04-01
Recommended approval

sioner Foley, and carried 4-0 (Dennis DeMaio absent), to recommend to City Council: (1) adoption of mitigated negative declaration and mitigation monitoring program; (2) approval of General Plan Amendment GP-04-02; (3) that first reading be given to the ordinance for Rezone Petition R-04-02, and (4) approval of Lot Line Adjustment LL-04-01, by adoption of Planning Commission Resolution PC-04-46, based on information and analysis contained in the Planning Division staff report.

During the motion, Commissioner Foley felt this was a needed improvement on that corner. She believed the applicant has shown they are a wonderful asset to our community and do a lot in our community aside from selling great produce. She said she can appreciate, and does not want to delay this item, and that this is the first hearing that the Planning Commission has had for this application so they have done nothing to delay anything.

Chairman Garlich stated that he made the motion because he felt it's the right thing to do for all the reasons suggested by Commissioner Foley.

MOTION 2:
GP-04-02/R-04-02/11-04-01
Request for direction from Council

A motion was made by Chairman Garlich, seconded by Commissioner Foley, and carried 4-0 (Dennis DeMaio absent), to ask Council for additional direction with regard to the surrounding parcels based upon prior discussion at this hearing.

There was discussion between the Chair and Vice Chair regarding the "need" for additional direction.

In response to a question from the Chair, Mr. Valantine stated that this item would go to the City Council meeting of August 2, 2004

PACIFIC MEDICAL PLAZA
DRAFT ENVIRONMENTAL
IMPACT REPORT (EIR) NO. 1051
(SCH#2003071089)

Brown/Newman

The Chair opened the public hearing for consideration of the Pacific Medical Plaza Draft Environmental Impact Report (EIR) No. 1051 (SCH#2003071089) located at 1626/1640 Newport Boulevard. The proposed project includes the conversion of two existing trailer parks to allow the construction of a 76,500 square-foot, 4-story medical office building with a three-level parking structure. Discretionary actions include a general plan amendment to create a site-specific floor area ratio, rezone from C2, General Business District, to PDC, Planned Development Commercial, mobilehome park conversion permit, and final master plan. Environmental determination: EIR #1051.

Senior Planner Kimberly Brandt reviewed the information in the staff report and gave a brief presentation. She said staff is recommending the Planning Commission receive public comments and questions on the Draft Environmental Impact Report (EIR) and that no action would be taken until the public hearings begin in September.

Ms. Brandt stated that intersection improvements are currently being considered by the City in conjunction with CalTrans; they are located between 17th Street and 19th Street, including a general widening of Newport Boulevard as a means of mitigating significant traffic impacts at those intersections. She said a separate environmental analysis has been completed and is out for review on these improvements. She announced the City will conduct an open house for the widening improvements on July 27^h at the Neighborhood Community Center and that the public review period on this environmental analysis will end on August 20, 2004. She said it is not anticipated to go to public hearing until the beginning of 2005. Ms. Brandt said this project requires CalTrans approval, and the City cannot guarantee it will be approved or constructed, therefore the intersection impacts identified in Draft EIR No. 1051, are unavoidable adverse impacts.

Chairman Garlich asked what is the significance of the Newport Boulevard widening project at the 2005 hearing if Council doesn't

want to widen Newport Boulevard and votes no? Ms. Brandt said the significance is whether the Pacific Medical Plaza project is approved prior to the public hearings on the widening of Newport Boulevard. She explained the time frame is that this project will forward to City Council in the fall of this year, so it precedes the Newport Boulevard improvement public hearing. Because of that, EIR No. 1051 concludes the City cannot guarantee that the widening project will occur; therefore, the incremental impacts to both intersections are unavoidable adverse impacts.

Commissioner Foley asked that if this project was not being proposed, and the applicant wanted to develop the property as commercial, would an additional traffic study be required? Ms. Brandt responded that as part of this EIR, there were alternative analyses done that included traffic numbers; one alternative was development of this site as a general commercial site. Commissioner Foley asked if the applicant conformed with all the development standards, could it be built without going through Planning Commission, or City Council, or the design review process? Mr. Brandt stated that is correct if it retains its C2 zoning. Commissioner Foley asked if it were to be developed C2, would it create greater traffic impacts? Ms. Brandt said this was not correct because the average daily trips are less with the two alternatives that retain the existing general plan and zoning.

Chairman Garlich asked if the existing C2 use was developed, the widening of Newport Boulevard is not required to mitigate the traffic? Ms. Brandt said that was not correct; that mitigation measure was identified for all three build alternatives. The Chair confirmed that all three build alternatives require that mitigation, and if that mitigation doesn't take place, for any reason, then findings of overriding considerations would be required for it to be approved. Ms. Brandt said this was correct and this EIR could serve that purpose; there is no need to prepare an additional EIR. Associate Engineer Raja Sethuraman clarified that a traffic analysis will still be required by policy if it becomes a commercial project.

During Ms. Brandt's discussion of the "alternatives" section of the EIR, the Chair confirmed that the definition of the "no project" alternative is one that presumes the mobile home park is still at the site continuing to operate. For the traffic analysis, or any other analysis, that's been done for the alternatives, he asked if the analyses there, also factored in the mobile home park and its traffic. Ms. Brandt yes.

Commissioner Perkins asked for clarification of the analysis as to how it was done. Associate Engineer Raja Sethuraman explained the process.

In response to a question for Commissioner Bever regarding "weekly trips" as a basis to analyze the trip figures and allow a credit for weekends, Mr. Sethuraman explained that City policy is to analyze trip figures based on weekday demands during a.m. and p.m. peak hours. The higher traffic levels on Newport Boulevard are more prevalent in the summer months (2-3 months). Weekend analysis done on a case-by-case basis.

Commissioner Foley asked if during the weekend, would alternatives 2 and 3 have an increase in traffic that would be greater or less than a project in alternative 4. Mr. Sethuraman stated that on weekends there would be more trips at a retail site. Commissioner Foley requested that in the response to comments that number of weekend trips for alternatives 2 and 3 during the weekend be identified.

Chairman Garlich stated that on page 1-23 of the Executive Summary under the 4/11 Transportation Discussion (bottom of mitigation measure), it talks about, "should the widening improvement become integrated into City's trip fee program, then the applicant shall satisfy

the City's trip fee requirements prior to issuing a building permit in lieu of a fair share contribution." He commented that regardless of how the mitigation fair share issue might be addressed, the applicant, independent of that, owes the trip fees and for the additional trips they pay the trip fee rate that is set by Council. So why are we saying that they would do this in lieu of their fair share contribution when they would have to do it anyway and wouldn't the fair share contribution also then be required in addition instead of in lieu. Ms. Brandt stated that it is the way the draft EIR is formatted and this is an "executive summary." The payment of trip fees is required by ordinance and so it doesn't need to be a separate mitigation measure. Mr. Sethuraman pointed out that the trip fee program is based upon a list of projects and every year projects are added, and if not the current trip program remains in effect and carried to the next year. In the next update, if the widening is added to the list of projects it gets factored into the trip fee calculations. The Chair requested that in the response to comments, that staff take another look at this language and clarify it.

Ms. Brandt noted that a consultant under contract to the City prepared the EIR. That consultant is LSA Associates with representation here this evening and available to answer questions if necessary.

Robin Leffler, 3025 Samoa Place, Costa Mesa, said this project was on the horizon 2 years ago when elderly and disabled people received their eviction notices and it was clear that a general plan amendment was going to be requested. (1) Why was no EIR required at the time the GPA screening process was initiated? (2) Is this the required number of parking places without any waiver of credits of anything similar?

Terry Shaw, 420 Bernard Street, Costa Mesa, had the following questions for "response to comments": (1) Has there been any attempt to split ADT between Newport Boulevard and Orange Avenue? (2) Does alternative 4 have a larger building footprint? (3) Will approving this general plan amendment include the low-to-moderate income housing provision and allow the City to make any conditions?

In response to the Chair, Ms. Brandt stated that the "response to comments" document would be going to the first meeting in September (September 13th). She said it is staff's commitment to have that document available 10 days prior to that date. In response to Vice Chair Perkins regarding time left to write in to make comments on the subject EIR, Ms. Brandt stated that the 45-day review period would close on July 26th.

Beth Refakas, 320 Magnolia Avenue, Costa Mesa, asked what the height is for the parking structure under alternatives 2 and 3? Ms. Brandt stated that staff believes the parking can be accommodated in a surface parking lot for the retail component with the 230 parking spaces, and can also be done for the medical office with 345 spaces. Ms. Refakas expressed concerns over access onto Orange Avenue; parking structure noise, and an increase in traffic that would affect the residential properties located on 16th Place and Ogle Street. She commented if the improvements are not made to Newport Boulevard, then residents should not have to be burdened with additional traffic from a medical use. She said the access road isn't sufficient and asked how would traffic make the transition onto Newport Boulevard.

Heather Somers, Eastside resident, Costa Mesa, commented on how she believed medical plaza trip generations would actually affect the area and the factors. She gave estimates of what she believed were more realistic figures. She said the additional traffic would trigger construction of the 19th Street bridge. She asked how high is a story

in reference to buildings below the I-405 Freeway? She commented that this project has already displaced over 120 low-income elderly people and the City is continuing to cause a greater imbalance of the housing-to-jobs ratio. She did not believe this was a good project to address that housing imbalance. She asked what the Planning Commission and City Council plan to do to rectify that?

Igal Israel, 2280 Newport Boulevard, Costa Mesa, believed the size and magnitude of the project is enormous and will create a major traffic problem. His question for staff was, where would the parking be located for employees and customers?

Commissioner Foley requested that staff address Ms. Somers comments regarding clarification of FAR development and that the traffic will trigger a request to build a 19th Street bridge. As to the displacement of residents, she requested a discussion of what has been done to place them in other homes.

Lillian Lumpkin, 1519 East Bay Avenue, Newport Beach, did not feel the EIR adequately addressed all of the significant impacts of the proposed project. She and her husband are the owners of property at 1620 Orange Avenue at the southeast corner of 16th. She is opposed to the project because a traffic study is necessary to assess the impact of the number of vehicles to be added to Orange Avenue. She said the EIR fails to address significant traffic that will be generated by the project; the EIR fails to estimate the daily trips and parking for the physician tenants, their staff, and patients. She maintained if there is one doctor per 1,000 square feet of office building which would approximate 75 doctors for the proposed project, each doctor having a support staff of 3-4 people would equal 75 doctor vehicles and 262 support staff, 3.5 times the number of doctors). She pointed out that Orange Avenue is primarily a residential street with single- and multi-family houses on each side and she is concerned that head lights shining into properties from the cars going in and out, will be a nuisance. She said there are two fire hydrants located at each end of the property on Orange Avenue, and that water quality is an issue because the medical plaza will be dumping polluted water into the various pipes and then into the storm drain system which goes under Newport Boulevard; she said she did call the City of Newport Beach and they confirmed and made suggestions such as catch basins before it is dumped into the storm drains.

In response to a question from Vice Chair Perkins regarding the 2 fire hydrants and whether they would remain, Ms. Brandt said she would contact the Fire Department.

Commissioner Foley asked that Ms. Brandt address in the "response to comments" document, the deliveries and the streets that would be used for that purpose. And, the impacts of cut-through traffic to east-side streets (Ogle, and 16th Place) and mitigations measures that would change the traffic flow.

Vice Chair Perkins asked Ms. Brandt to also address the issue of the water quality under Newport Boulevard. She confirmed.

In response to a question from Commissioner Foley regarding receipt of correspondence from Newport Beach on the EIR, Ms. Brandt stated that Planning staff has not yet received correspondence, however, the review period has not closed. In further response to Commissioner Foley, Ms. Brandt stated that the City of Newport Beach received a notice of preparation; they sent a response letter and it is included in the draft EIR report. As to the "number of doctors" issue, Commissioner Foley asked Ms. Brandt to address Ms. Lumpkin's concerns regarding the factor used for estimating traffic generation. She asked how many doctors in a standard medical office building would occupy this size building, to be answered in the response to comments.

Vice Chair Perkins suggested the doctors building in the Hoag Hospital area at Flagship Road and Placentia Avenue (Newport Beach) might possibly be used for an analysis to compare with the current project.

Commissioner Foley said she didn't see a mitigation measure for the parking on Orange Avenue that would attempt to limit parking on that street to residential use. She requested Ms. Brandt address the issue in "response to comments."

Commissioner Bever questioned the assumption that 75,000 square feet results in 75 doctors and asked staff to address the ratio of facility space, restrooms, elevators, stairwells, waiting rooms, labs, etc.

Authorized agent Coralee Newman with Government Solutions at 230 Newport Center Drive, Newport Beach, stated that although the focus on this hearing is the EIR, they are looking forward to being able to present their project to the Commission. She said it is their belief it will bring a major improvement to the area. She noted a letter from Hoag Hospital in support of the project, and further, Vons Market has expressed a desire to see this improvement to the neighborhood. She made a clarification regarding access to Orange Avenue that Vons Market does have access to that street. She also expressed that this project has a lot of benefits in terms of traffic. She said Newport Boulevard usage during the summer months is a thorough fare for beach goers and the ratio of retail versus a medical use during that time would be helpful to everyone.

Commissioner Foley stated that a rendering of landscaping was shown this evening, indicating screening for the proposed parking structure. She asked if this was a part of alternative 3, alternative 4, or the proposed project. Ms. Newman responded that the applicant would be bringing forward, a more enhanced rear yard elevation along Orange Avenue to better illustrate the landscaping which will be much improved from the existing use and other neighbors.

In response to a question from Commissioner Foley that the Commission had heard at the study session, that some meetings have been held in the community, Ms. Newman confirmed there was a meeting on June 30th where the applicant solicited input from all the neighbors—participation was small. They also made a leaflet that was mailed to all property owners, also to renters, and homes behind the site. In further response to Commissioner Foley, Ms. Newman stated there have been no phone calls and no feedback from the leaflet. Ms. Brandt offered that there was one resident of the eastside who wants to further evaluate the traffic analysis.

As a follow-up, Ms. Newman gave the setbacks for the buildings and stated that the frontage (20' to 50') along Newport Boulevard in the effort to create an attractive front yard with extensive landscaping.

In response to a question from Commissioner Foley regarding the square footage, landscaping, etc., in relationship to the EIR, Ms. Brandt stated that the EIR report looks at this in 2 different ways: (1) appropriate trip generation rate are applied and used in the traffic analysis, and that the trip rates comes from standard sources. She said those rates are based on nationwide figures and are use by the City on a routine basis; (2) employment generation factors are based on a medical office building, and it looks at standard factors for this type of use. Commissioner Foley said in terms parking for the employees and doctors, how would it be determined in the EIR. Ms. Brandt stated that the parking rate the City has, does not distinguish between employee parking versus patient parking, however, staff shares the concerns about overflow parking onto Orange Avenue and there are two mitigations measures included in the environmental impact report: (1) is to prohibit paid valet parking on site which may

discourage people from parking on the property; and (2) to prohibit any type of employee parking on the streets surrounding the site.

Commissioner Foley said it would be helpful to have some examples of other medical offices as suggested previously by Vice Chair Perkins, within the area that is comparable in size and scope, and, what specifically, if the applicant has a very clear understanding of what the proposed medical office will actually be. The Chair also commented that the methodology the uses FAR and land use, to calculate parking requirements and trips and so forth, or any data that can be provided in the response to comments on those questions that have to do with validation of those models, or the use of those in previous applications, which tends to couple reality with the kinds of estimates that are done up front, would also be helpful.

Jeff Goldfarb, representing Brown & Associates, returned to the podium and reference Table 5c, Page 5-24 of the EIR, because he would like to add some discussion to this table and he would be submitting that in the form of letter.

Commissioner Foley stated that she would like to know: (1) whether underground utilities will be required as a mitigation measure and if so, where and how far does it go; and (2) with regard to hydrology and water quality (Executive Summary, Page 1-17, Section 4.6), it discusses the mitigation measure requiring the applicant to provide the City with a copy of the notice of intent to their State Water Resources Control Board and a copy of the subsequent notification of the issuance of a waste discharge identification number, or other proof of filing. She asked staff to explain what the significance of getting and obtaining a number is. (3) If there are any view simulations from the viewpoint (figure 5.3, elevations and view from the residential properties on Orange Avenue) of the parking lot and of the proposed structure, please provide. Ms. Brandt stated the EIR has "line of sight" with the cross-sections, but Commissioner Foley has also requested Ms. Newman provide a better elevation of the parking structure view as seen from Orange Avenue. Commissioner Foley said she wanted to make sure that this EIR documentation covers what is being viewed from the actual windows of the units; we should also have some knowledge of what the existing view is. Mr. Valantine asked if the Commissioners are looking for something with architectural detail, or a shape the approximate the size and bulk of the building. Commissioner Foley felt that would be sufficient. Ms. Newman said they had 1 additional elevation that was completed along Orange Avenue and said she would submit it to staff this evening. To further answer these questions, she said they have taken photos from the windows and some have gone up on the stairs of some of the residential units on Orange Avenue and taking pictures of what they are looking at from their unit towards the site in its current condition.

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

Public comment was received.

ACTION:
EIR #1051
Received public comment

BREAK: The Chair called a recess the meeting resumed at 8:55 p.m.

PLANNING APPLICATION
PA-03-42

Mozayeni/Garrison

Planning Application PA-03-42 for John Garrison, authorized agent for ABCO Realty/Al Mozayeni, for a design review to construct a 26-unit residential town house project with variances from building height (2 stories, 27' allowed; 3 stories, 36' proposed), chimney height (29' allowed; 42' proposed), and off-street parking (84 spaces required; 58 spaces proposed), with a minor conditional use permit to allow up to 6 compact parking spaces, and a minor modification to reduce the front landscape setback (20' required; 16' proposed), located at 2013-2029 Anaheim Avenue in an R3 zone. Environmental determination: exempt.

Staff recommended continuing this item to the Planning Commission meeting of July 26, 2004 as requested by the applicant to complete plan revisions.

MOTION:
PA-03-42
Continued

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins and carried 4-0 (Dennis DeMaio absent) to continue this item to the Planning Commission meeting of July 26, 2004.

TENTATIVE PARCEL MAP
VPM-03-250

Krappman/Selleck

The Chair opened the public hearing for consideration of Tentative Parcel Map VPM-03-250 for Karen Selleck, authorized agent for John Krappman/CommonWealth Partners, 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: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics. He said staff is recommending approval, subject to conditions.

Jeff Goldfarb, representing the applicant, 611 Anton Boulevard, Costa Mesa, agreed to the conditions of approval.

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

MOTION:
VPM-03-250
Approved

A motion was made by Vice Chair Perkins, seconded by Commissioner Foley and carried 4-0 (Dennis DeMaio absent), to approve by adoption of Planning Commission Resolution PC-04-47, based on information and analysis contained in the Planning Division staff report and findings in exhibit "A", subject to conditions in exhibit "B."

During the motion, the Chair thanked the applicant, Planning staff, and the City Attorney's Office for their efforts in getting these conditions worked out. He said everyone learned from this dialogue and everyone is better off for it.

The Chair explained the appeal process.

TENTATIVE PARCEL MAP
PM-04-126

Yuan/Sundstrom

The Chair opened the public hearing for consideration of Tentative Parcel Map PM-04-126 for Robert Sundstrom, authorized agent for Patty Yuan, for a one-lot subdivision for airspace condominium purposes, located at 240 and 250 Briggs Avenue, in an MP zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics. He said staff is recommending approval, subject to conditions.

Robert Sundstrom, authorized agent for the applicant, 430 Exchange, Irvine, agreed to the conditions of approval.

In response to a question from Terry Shaw, 420 Bernard Street, Costa Mesa, Mr. Lee explained that the standard Mr. Shaw was referring to, applies to residential condominiums and there must be 3 or more before the units can be sold separately. He said this standard does not apply to commercial properties.

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

MOTION:
PM-04-126

A motion was made by Commissioner Foley, seconded by Vice Chair Perkins and carried 5-0 to approve by adoption of Planning

Approved

Commission Resolution PC-04-48, based on analysis and information in the Planning Division staff report, and information contained in exhibit "B", subject to conditions in exhibit "A."

The Chair explained the appeal process.

CONDITIONAL USE PERMIT
PA-04-24

Islamic Educational Ctr./Ghiassi

Conditional Use Permit PA-04-24 for Mohammed Ghiassi, authorized agent for Islamic Educational Center of Orange County, to expand the existing Islamic Educational Center by expanding the assembly (worship) area, located at 3194-B Airport Loop in an MP zone. Environmental determination: exempt.

Withdrawn.

The applicant withdrew the application.

PLANNING APPLICATION
PA-04-25

Klein/Wiant

The Chair opened the public hearing for Planning Application PA-04-25 for Kenneth J. Wiant, authorized agent for Mr. and Mrs. Klein, for variances from front and rear setback requirements (20' required; 10' proposed for the front; 20 feet required, 7 feet proposed for the rear) and for the eave overhang to encroach into the front setback (5' permitted; 12' proposed), in conjunction with a minor design review for an 845 sq. ft., second-story addition to a single-family residence, located at 219 Pauline Place, in an R1 zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics and said staff was recommending approval, subject to conditions. He said staff is noting a concern with the second-story decks at the rear of the property. He said the setback for the existing structure is approximately 10 feet from the rear property line, and the deck proposed over the existing garage actually encroaches 7 feet from the rear property line. He said staff is concerned that the proximity of the second-story decks at the rear. Consequently, staff incorporated condition of approval #6 that would eliminate the 2 decks at the rear of the home. He said staff is not concerned with the deck at the front of the property since it faces the street.

Mr. Lee said he received an e-mail from the applicant for a proposed modification to the second-floor addition, asking if the Planning Commission would be willing to consider one deck at the rear of the property; the applicant would be interested in retaining the proposed deck over the garage, and would be willing to cut it back to the 10' setback line of the existing residence.

In response to a question from the Chair regarding condition of approval #6 requiring elimination of the decks in the rear, Mr. Lee stated that the wording in working with staff, "in coordination with the approval of staff" would work well for staff and the lowering of the parapet wall, since the deck area would no longer be necessary, staff could work with the applicant in working out those issues.

In response to a question from Vice Chair Perkins regarding the allowable second-to-first floor ratio, Mr. Lee explained that 80% is allowed and this project is at 66%. He said with the decks factored in, it would be 106% second-to-first floor ratio.

The Chair confirmed that the principle concern with the rear decks has to do with the setback, which is less than standard. There was discussion between the Chair and Mr. Lee concerning the recommendation, if the setbacks were at least standard. Commissioner Bever asked Mr. Lee if there would be a difference if the decks at the rear were actually enclosed, or some portion of that area made contiguous to the interior of the structure to add living space. Mr. Lee felt the privacy impact of an enclosed area is easier to mitigate with the placement of windows versus an open deck.

Mr. Valentine added that the walls would be higher if the space was enclosed and in terms of building mass, and a revised elevation, it would need to be reviewed before a recommendation could be made.

In response to a question from Commissioner Foley regarding the triangular-shaped, bedroom deck and the 10' setback depth, Mr. Lee confirmed that the deck sets back further because it is rounded, and with that curvature, it has about a 2 to 3 feet additional setback. There was discussion between the two regarding the views from the decks.

There was discussion between Commissioner Bever and the Chair regarding the ownership of a large pepper tree appearing to be located on the left rear corner of the lot.

In response to a question from Vice Chair Perkins regarding the building mass if the decks were to be enclosed, Mr. Valentine stated that a total enclosure of the decks would make the second floor about 106% of the first floor. He said Commissioner Bever suggested a portion of the deck be enclosed, and depending upon that, it would be at a floor area ratio somewhere between the 66% it is now and 80% allowable.

Josh Klein, 219 Pauline Place, Costa Mesa, stated that the tree questioned by Commissioner Bever, is on his property. In response to the Chair, Mr. Klein stated that all he is trying to do is get space for his family and he doesn't need the views or decks. He also said he is willing to talk about removing the decks and adding interior space instead. He made a suggestion and the Chair confirmed with Mr. Lee that this would be feasible with staff.

There was discussion between the Commissioners and applicant regarding increasing the height of the walls to alleviate a line of sight to the neighbors and to protect the safety of the children. Staff could not comment at this point due to the complexity of the request in relation to the mass of the building.

Igal Israel, 2380 Newport Boulevard, Costa Mesa, felt that the Commission was being unfair to the applicant. Commissioner Bever explained that the purpose in hearing this item was to assure everyone's property rights were considered with as little impact as possible.

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

MOTION 1:
PA-04-25
Failed for lack of a second

A motion was made by Commissioner Foley, and failed for lack of a second, to approve by adoption of Planning Commission resolution, based on the findings in exhibit "A" and subject to the conditions in exhibit "B" with the modification of condition of approval #6 to indicate that only one second-floor deck shall be permitted on the rear of the residence above the garage, with the revised setback as proposed by the applicant in his letter of July 9, 2004. (Page 8, Exhibit "A", Paragraph "B", The additional findings shall state: "Because of the shape of the lot, the size of the lot, and the narrowness of the front and back of the lot, there is basis for approval of the requested variance, as well as because of the limited backyard open space due to the location of the existing detached garage. The deck allows space on top of the garage to add additional open space for the applicant and reduces and minimizes any potential negative impacts on surrounding neighbors, and because not one neighbor opposed this application." Paragraph "C" to read: The ratio of the second floor to first floor deals with issues of mass and structure and, because the area will not be enclosed, it will not have that massing in the backyard.

MOTION 2:
PA-04-25
Approved

A motion was made by Chairman Garlich, seconded by Vice Chair Perkins and carried 3-1 (Foley voted no, DeMaio absent) to approve by adoption of Planning Commission Resolution PC-04-49, based on information and analysis contained in the Planning Division staff report and findings in exhibit "A", subject to conditions in exhibit "B" with the following modification:

Conditions of Approval

- 6. No second floor decks at the rear of the residence shall be permitted. A modification of plans to eliminate the rear decks shall be reviewed and approved by Planning staff.

During the motion Vice Chair Perkins, the Chair, Commissioner Bever, and Mr. Valantine discussed possible modifications to condition of approval #3.

Chairman Garlich said his concern was with approving any form of the deck that has to do with staff's conclusion for the inadequacy of the setbacks and that neighbors and foliage do go away and he felt it was neither reasonable nor responsible to support the former motion.

There was discussion between the Chair and Commissioner Foley regarding the intent of the Chair's motion. Mr. Valantine said staff would interpret the motion as: "to ensure the decks are not walkable surfaces, and that the walls surrounding them are no higher than they are shown on the current plan." He said they could be lowered but not raised. He confirmed with the Chair that staff also takes into consideration the effects of mass and scale, and coverage.

Commissioner Bever asked if the Commission could direct staff to allow the applicant to expand the interior space over the deck area to some degree. The Chair felt he would have to rely on staff's recommendation because he was not sure how that could be done. Mr. Valantine offered that if the Commission wanted to allow any area that's currently a deck at the rear to be expanded into the building, staff would need direction. He said the interpretation of condition of approval #6 has not changed, and the exterior walls would remain as they are shown on the current plan. Commissioner Foley reconfirmed the Chair's intent of the motion.

Vice Chair Perkins felt that the Commission should not be redesigning projects and agreed with the Chair's motion.

Commissioner Bever asked if the Commission could ask the applicant if he is willing or interested in continuing this item to revise his plans. The Chair asked if that was a motion. Mr. Bever confirmed. The Chair reopened the public hearing, Commissioner Foley seconded the motion. The motion failed to carry by a 2 to 2 vote (Garlich and Perkins voted no, DeMaio absent).

The Chair then called the original motion and the motion carried 3 to 1 (Foley voted no, DeMaio absent) as shown above.

SUBSTITUTE MOTION:
PA-04-25
Failed to carry

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT

Mr. Valantine announced the Planning Commission biannual design awards and asked for nominations. He said they will be presented at the July 26th meeting for actual selection and presented on August 23rd. Chairman Garlich nominated the Armstrong Garden Center at 2123 Newport Boulevard.

REPORT OF THE SENIOR DEPUTY CITY ATTORNEY

None.

ADJOURNMENT:

There being no further business, Chairman Garlich adjourned the meeting at 10:07 p.m., to the study session of Monday, June 21, 2004.

Submitted by:

PERRY L. VALANTINE, SECRETARY
COSTA MESA PLANNING COMMISSION