

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
May 27, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., May 27, 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
Acting City Engineer Fariba Fazeli
Principal Planner Claire Flynn
Senior Planner Mel Lee
Senior Planner Minoo Ashabi

III. MINUTES: Minutes for the meeting of May 12, 2008

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

Martin Millard, Costa Mesa, asked that applicants applying for condominium conversions be required to provide a copy of the CC&R's.

The Chair provided a memorandum to Mr. Millard relating to the status of the properties on El Camino Drive that had been previously requested.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

There were no Planning Commissioner comments.

VI. PUBLIC HEARINGS:

1. **From the meeting of April 14, 2008, Tentative Map T-17248, for Justin McMillen, authorized agent for property owner 618 Center Street, LLC, for subdivision of properties 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, and there were no questions of staff.

Justin McMillen, property owner, agreed to all the conditions of approval.

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

MOTION: Approve Tentative Map T-17248, by adoption of Planning Commission Resolution PC-08-43, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".

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 Fisler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

2. **From the meeting of April 28, 2008, extension of time for Planning Application PA-06-52, for 2460 Newport LLC, for a Master Plan to construct a 14-unit, 2-story, attached, multi-family residential common interest development (condominiums) with a minor modification to allow an 8-foot high block wall (maximum 6-foot height permitted) and a variance from open space requirements (42% required; 35% proposed), located at 2460 and 2472 Newport Boulevard, in a PDR-HD zone. Environmental determination: exempt.**

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

Johnny Lu, project architect and authorized agent for the property owner, asked for a time extension to secure funding for construction. He agreed to all the conditions of approval.

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

MOTION: Approve a one-year time extension for the time period of February 20, 2008 to February 20, 2009 for Master Plan PA-06-52, by adoption of Planning Commission Resolution PC-08-44.

Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan.

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.

3. **Planning Application PA-07-10 and Parcel Map PM-07-108, for Michael and Mary Hoferer, authorized agents for Hoferer Family Trust, for a residential common interest development conversion of a 3-unit apartment building with a parcel map to facilitate the conversion, located at 3028 Coolidge 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 regarding the 3005 Coolidge Avenue map recordation, roof replacement, and plumbing and mold inspections.

Michael and Mary Hoferer, property owners, agreed to all the conditions of approval, and said they worked hard and did a good job on this project. They also said they have owned the property for 7 or 8 years.

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

MOTION: Deny Planning Application PA-07-10 and Parcel Map PM-07-108, based on the evidence in the record and the findings contained in Exhibit "A". Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan.

During discussion on the motion, Commissioner Righeimer noted that this was an under parked property and opposed the conversion of apartments to condominiums.

Commissioner Egan mentioned that this project was too far out of compliance with current zoning standards and should not be sold off in parcels.

Vice Chair Fisler noted that he wanted to improve the neighborhood and provide more home ownership. He proceeded to make a substitute motion.

MOTION: Approve Planning Application PA-07-10 and Parcel Map PM-07-108, by adoption of Planning Commission Resolution PC-08-45, based on the findings in Exhibit "A" and the conditions in Exhibit "B". Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

During discussion on the substitute motion, Commissioner Righeimer reiterated that this project would end up as apartments; Commissioner Egan suggested adding a condition for the replacement of the main roof; and Commissioner Clark noted he had some reservations with this project, but was supporting the substitute motion.

The Vice Chair and Mr. Lee discussed Condition "W" regarding replacing the roof and the Vice Chair decided to leave the condition as it was.

Commissioner Righeimer pointed out that he would be voting against the substitute motion.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fisler, and Commissioner Sam Clark

Noes: Commissioner Eleanor Egan, and Commissioner James Righeimer

Absent: None.

- 4. Planning Application PA-08-05, for Tim Johnson, authorized agent for Brent Adams, for a design review to construct a 2-story, 3-bedroom unit that exceeds the recommended 80% 2nd-to-1st floor ratio (81% proposed) on a lot containing 2 units, located at 544 Bernard Street, in an R2-HD zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to a question from the Commission concerning interior garage parking. In addition, a comment by the Commission was made regarding pre-wiring for future cable communication service.

Brendt Adams, property owner, agreed to all the conditions of approval and stated that the new garage is for a boat, motor vehicles, and trailers. He pointed out that he does not plan on converting the garage into living space.

Mr. Adams replied to Commissioner Righeimer that he lives in Corona Del Mar and he is leasing the property there.

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

MOTION: Deny Planning Application PA-08-05, based on the evidence in the record and the findings contained in Exhibit "A".
Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan.

During discussion on the motion, Commissioner Righeimer explained that he is concerned the next owner may convert the garage into illegal units.

Commissioner Egan supported Commissioner Righeimer's motion and said she was concerned with the lack of an interior staircase and mentioned that the laundry room should be upstairs.

In response to questions from Vice Chair Fidler and Commissioner Egan related to conversion of the upstairs bathroom into a laundry room, Mr. Adams agreed to eliminate the outside staircase.

The Commissioners discussed withdrawing the current motion and making a new motion to continue the item.

Commissioner Righeimer withdrew his motion.

MOTION: Continue to the Planning Commission meeting of June 23, 2008, to allow time for the property owner to work with staff to redesign the project to provide interior access between the second floor unit and the garage, eliminate the outside staircase, and relocate the laundry room from the garage to the second floor unit.

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

During discussion on the new motion, Commissioner Clark gave his support for the continuance.

The Chair restated the motion and Mr. Adams agreed to the continuance. Planning Commission Secretary Kimberly Brandt provided the continued date of June 23.

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.

5. **Planning Application PA-08-10, for Ronald Talmo, authorized agent for Maurice Lavoie, for a variance from rear setback requirements (37 ft. required; 2 ft. proposed) to legalize a storage building on a property abutting a residential zone, with a conditional use permit for motor vehicle retail sales with 5 outdoor display/storage spaces and a minor conditional use permit to deviate from shared parking requirements (19 spaces required; 10 spaces proposed), located at 947 W. 18th Street, 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 front parking spaces on the site plan, the number of uses, additional bathrooms, the new alcove, the customer bathroom, and vehicle sales.

The Chair, Vice Chair Fidler, Commissioner Egan, Planning Commission Secretary Kimberly Brandt, and Mr. Lee discussed the rear structure, vehicle storage, eliminating the conditional use permit for parking, and floor area ratio.

Mr. Lee explained to the Chair that the property owner never obtained a variance and mentioned to Commissioner Righheimer that the structures were never legalized.

Ronald Talmo, authorized agent for property owner, stated that there was a security problem with the customers' vehicles and provided pictures and letters of support from the adjacent property owner, David Perez, and from Pacific Sales and Leasing. He described the property and reviewed each of the pictures on the overhead screen.

Mr. Talmo mentioned that he was willing to do whatever it would take for this property.

Maurice Lavoie, property owner, explained to the Chair and Commissioner Righheimer that he agreed to all the conditions of approval, and he never thought he needed to get a permit, so he did not get one. Mr. Lavoie also said he would consider handicapped parking when asked by the Chair if he was willing to remove a portion of the building.

Wayne Miller, G & W Towing, said he has been Mr. Lavoie's neighbor since 1985, and hopes some type of accommodation can be made.

Commissioner Egan, Commissioner Clark, and Ms. Brandt discussed the floor area ratio, removing the roof, the Zoning Code interpretation, design alternatives, and additional parking spaces.

The Commissioners, Ms. Brandt, and Mr. Lee continued to discuss the parking requirements, the 5 parking spaces needed outside for retail vehicle sales, plus parking versus storage. Mr. Lavoie also noted to Vice Chair Fidler that there are 10 parking spaces out front.

Ms. Brandt explained the noticing process for public hearings to the Vice Chair and pointed out that all property owners within a 500-foot radius are noticed and the property is posted.

The discussion on parking and storage continued and Mr. Talmo expressed his frustration concerning working things out for this property. However, he did appreciate staff's helpfulness.

Ms. Brandt explained how to gain zoning approval for the property and the requirement of a variance, and Mr. Talmo understood.

Commissioner Egan suggested taking the roof off the rear building and fencing the area that can be secured, but she noted she does not see a way to legalize the building.

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

MOTION: Approve Planning Application PA-08-10 with regards to legalization of bathroom; deny legalization of storage building and approve variance for a roofless enclosure for parked vehicles; and deny conditional use permit for motor vehicle retail sales with outdoor display/storage and minor conditional use permit for reduced parking requirements, by adoption of Planning Commission Resolution PC-08-46, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the following adopted findings and conditions of approval:

FINDINGS

- A. The proposed use, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The proposed use, as modified, is compatible and harmonious with uses on surrounding properties.**
 - 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.**
 - 3. The project is consistent with the General Plan since it permits a variety of industrial uses within the Light Industry land use designation and is, therefore, consistent with the General Plan. The project will not increase the floor area ratio (FAR) for the site because the storage building and the existing industrial building will be modified, per the conditions of approval.**
 - 4. The cumulative effects of all planning applications have been considered.**
 - 5. The planning application is for a project-specific case and does not establish a precedent for future development.****

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property exist to justify approval of the variance from rear and side setback requirements because the industrial property only abuts a geometric point (corner) of residentially-zoned property. The deviation granted does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the General Plan designation for the property because of the required reduction in the main building area to accommodate the floor area devoted to the**

bathroom facility and the removal of the roof of the storage building to create a vehicle storage structure.

- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15303 for New Construction.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

1. Obtain building permits to remove roof and legalize the vehicle storage structure and legalize bathroom facility within 30 days of application approval.
2. A copy of the conditions of approval must be kept on premises and presented to any authorized City official upon request.
3. The conditions of approval and ordinance or code provisions of Planning Application PA-08-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
4. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem.
5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or property owner shall institute whatever security and operational measures are necessary to comply with this requirement.
6. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
7. Outdoor display of motor vehicles for sale shall be discontinued.

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

During discussion on the motion, Commissioner Righeimer mentioned that this was a fair decision.

The Chair, Commissioner Egan, and Mr. Talmo discussed the need for a structural engineer.

Ms. Brandt explained to Mr. Talmo that now there are no parking concerns since the vehicle sales are gone, and no minor conditional use permit is needed.

Commissioner Righeimer asked that Finding "C" of Exhibit "A" be removed and Condition Nos. 1, 2, and 3 be removed from Exhibit "B". The seconder of the

motion agreed.

Ms. Brandt pointed out that a variance was still required for the parking/storage structure and Commissioner Egan suggested an additional finding, that a variance be granted based on the fact that the only point of contact with the residential property is a geometric point. Both the maker and the 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.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, JUNE 9, 2008.

There being no further business, Chairman Hall adjourned the meeting at 8:44 p.m. to the Planning Commission meeting of Monday, June 9, 2008.

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