

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
January 26, 2009**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., January 26, 2009, 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.

The Chair stated that on most commissions and committees when the Chair leaves, the Vice Chair ascends to the Chair's position. Chairman Hall said this was his last official meeting as well as Commissioner Egan's and he would like to turn the meeting over to the Vice Chair.

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 Tom Duarte
City Engineer Ernesto Munoz
Senior Planner Mel Lee
Senior Planner Minoo Ashabi

III. MINUTES: Minutes for the meeting of January 12, 2009

The Vice Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Egan noted that it was her last official meeting and thanked her fellow Commissioners, Planning staff, and past Councils that appointed her. She mentioned on how you can be effective in influencing what happens and that is, "government belongs to those who show up."

Commissioner Clark thanked Chair Hall and Commissioner Egan for their help and guidance in his first term as a Commissioner; he truly appreciated the respect they have brought to the Planning Commission; and was saddened that they will be leaving because they bring to the Commission a great deal of history and understanding of the City.

The Vice Chair thanked Chair Hall and Commissioner Egan for the wealth of knowledge that he has learned from them and they are irreplaceable. He thanked Chair Hall for his firm hand during some very difficult meetings. He also thanked Commissioner Egan for her legal expertise in the correct wording of the conditions of approval.

The Chair thanked Vice Chair Fidler and Commissioner Clark for their comments and said he appreciated their nice remarks; he thanked Planning staff and said they are the best Planning staff in Orange County; and stated that it has been a wonderful four years and he has had a lot of fun.

VI. CONSENT CALENDAR:

1. Vacation of excess right-of-way associated with a portion of Wilson Street at Modjeska Circle.

The Vice Chair asked if anyone wished to pull this item from the Consent Calendar to discuss it separately and no one wished to do so.

MOTION: Find that the proposed vacation of excess public right-of-way is in conformity with the adopted General Plan, by adoption of Planning Commission Resolution PC-

09-04.

Moved by Commissioner James Righeimer, 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.

VII. PUBLIC HEARINGS:

- 1. Development Agreement Two-year Review DA-08-05, for Mark Lammas, authorized agent for Maguire Properties/PacArts West LLC, for the two-year review of the Pacific Arts Plaza (formerly Two Town Center) Development Agreement DA-00-04 regarding demonstration of good faith compliance with the terms and conditions of the agreement for the property located at 655 Anton Boulevard, in a TC zone. Environmental determination: exempt.**

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

Karen Graham, representing Maguire Properties, stated that Ms. Ashabi presented the information accurately. She also stated they are continuing the process of putting the plans together for the development.

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

MOTION: Determine and find that Maguire Properties has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-04.

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.

2. **Planning Application PA-08-23, for J7 Architecture, authorized agent for Christ Lutheran Church, for a conditional use permit to renovate an existing church campus, including demolition of 6,180 sq. ft. (parsonage, residential structure, classroom fireside) and addition of 9,749 sq. ft. of new building area containing a two-story administration office, café, and youth lounge for a net increase of 3,569 sq. ft. with a variance from maximum allowable building height (27 ft. required; 33 ft. proposed) for the properties located at 758 and 760 Victoria Street and 2199 Raleigh Avenue, in an R1 zone. Environmental determination: exempt.**

Senior Planner Mino Ashabi reviewed the information in the staff report and gave a detailed presentation. She explained that an additional condition of approval is required for a Lot Line Adjustment to be approved and recorded prior to issuance of a demolition permit for the Phase 1 improvements. She noted one public communications was received on this item.

Ms. Ashabi responded to questions from the Commission regarding FAR (Floor Area Ratio), development versus traffic, and the north elevation.

Mike Gibson, Senior Pastor at Christ Lutheran Church, stated that he read the conditions of approval and agreed to all except for two conditions that they would like to address. He noted this site has been a day school/preschool for 50 years and members of the church were in the audience.

Terry Jacobson, J7 Architecture, asked that an aerial overview be placed on the overhead screen to show the scope of the project. He emphasized that this project is not an expansion, just bringing the facilities up to date, including a welcome center and cafe, and air conditioning for the sanctuary.

Mr. Jacobson addressed Condition of Approval No. 1 and

stated their goal was to postpone the Lot Line Adjustment to Phase 2. A discussion ensued regarding the number of parcels, the phases of work, and concerning a subdivision.

Mr. Jacobson also addressed Condition No. 6 relating to construction of a continuous six-foot high block wall and the expense involved. He asked for the existing wall to remain in place. A discussion ensued regarding improving the existing wall to make it more uniform and improving the wall's appearance.

Jerry Simpson, nearby resident on Raleigh Avenue, expressed concern regarding unnecessary noise, security issues, and lower property values.

Gale Galarza, nearby resident on Raleigh Avenue, said she has been a resident for 15 years and expressed concern regarding noise, nighttime crime, and lower property values.

Joaquin Sahagun, nearby resident on Placentia Avenue, said he backs up to the church's baseball diamond and expressed concern regarding security, noise and light pollution, and privacy.

Tom Steinfeld, nearby resident and active member of Christ Lutheran Church, said he believes the church is a good neighbor and has been so for 50 years. He noted this project will provide more egress/ingress and widen the drive isle. He acknowledged the yearly fair and that parking sometimes overflows onto the street.

Ms. Ashabi explained to the Chair concerning the legal, non-conforming block wall.

Mr. Gibson returned to the podium and mentioned that this is a neighborhood church and they would work hard to partner with the community. He replied to the Vice Chair that he would try to address the leaf-blower noise and be a good neighbor.

Mr. Jacobson returned to the podium and explained that they will regulate the light-spill; the increased striped parking will be much more self-contained; and Raleigh Avenue will be fully

fenced and not create a security or crime source.

Commissioner Righeimer and Mr. Jacobsen discussed the fencing on Raleigh Avenue and the planter and fencing on Congress Street. Mr. Jacobsen replied to the Chair that motion sensor lights could be considered to address privacy concerns that the neighbors have in relation to the wall/fencing.

MOTION: Approve Planning Application PA-08-23, by adoption of Planning Commission Resolution PC-09-05, based on the evidence in the record and the findings contained in Exhibit "A", and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", with the revised Condition Nos. 1 and 6 and additional Condition No. 36, adopted as follows:

CONDITIONS OF APPROVAL

- 1. Prior to issuance of a demolition permit for Phase 2 improvements, a Lot Line Adjustment shall be approved and recorded to merge three parcels located at 758 and 760 Victoria Street and 2199 Raleigh Avenue.**

- 6. Upon completion of demolition and grading activities and prior to construction of Phase 1 improvements, the applicant shall work with adjacent property owners to repair, refinish, and replace as necessary for a continuous block wall with a solid cap, consistent plaster treatment, and color along the easterly and westerly property lines, subject to final approval by the Planning Division. The applicant shall work with the adjacent property owner(s) to prevent side-by-side walls.**

- 36. The variance approved for the increased building height (overall height of 33 feet) shall only apply to proposed building and not the entire project site. Moved by Commissioner James Righeimer, seconded by Chair Donn Hall.**

Commissioner Egan asked that an additional condition be added for clarification on the variance and both the maker and the seconder agreed.

Commissioner Righeimer stated that the Christ Lutheran Church is a hub of activity; this project will get the cars off Raleigh Avenue; and the wall will be cleaned up and looking uniform.

Commissioner Clark pointed out that this church has been in that community for 50 years and is a positive influence in the neighborhood. He gave his support for the project.

The Vice Chair also gave his support for the project.

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. Planning Application PA-08-30, for Richard and Wendy Schones, authorized agents for Gary Schones, for variances from rear setback requirements (10 ft. required; 3 ft. existing), rear yard coverage requirements (25% maximum permitted; 76% existing) and open space requirements (40% required; 36% proposed), and an administrative adjustment for reduced side setbacks (5 ft. required; 3 ft. proposed) to legalize a detached garage and granny unit at the rear of the property, located at 378 Costa Mesa Street, in an R1 zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and gave a detailed presentation with photographs. He responded to questions from the Commission regarding the rain gutters and eaves, maintenance of rain gutters, the structure's setback requirements, and open space.

Deputy City Attorney Tom Duarte replied to the Vice Chair that an existing structure does not constitute as a finding for a variance.

Richard Schones, applicant, said he will do whatever is needed

to comply with the conditions. He gave a presentation explaining that there have been no Police Department violations; several trees will be planted; and the structure will be brought into compliance with the Building Code.

Mr. Richard Schones replied to Commissioner Righeimer that there have been no changes to the garage. He said nothing has been changed.

Gary Schones, owner, stated that he looks forward to keeping the structure and living in it, and would appreciate approval of the project. He explained that he does not know who will live in the structure, and he lives in Riverside.

David Kinkade, Costa Mesa, thanked Chairman Hall and Commissioner Egan for their service and noted that both the Planning Commission and the City Council denied this project previously. He expressed concern regarding the large number of granny units in the City; the project site's small backyard; and cautioned granny units being approved.

Mr. Gary Schones returned to the podium and stated that he agreed with the staff report and the report describes their situation very well.

Mr. Richard Schones returned to the podium and asked the Planning Commission to approve this project.

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

The Chair said he believes this structure met setbacks when it was built and has set no precedent; the Schones have shown good faith through this process; the neighbors do not object; and there have been no Police calls.

MOTION: Approve Planning Application PA-08-30, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B".
Moved by Chair Donn Hall, seconded by Commissioner Sam Clark.

Commissioner Clark stated he agrees with most of what the Chair has said and that he also believes the structure was essentially built to code. He also stated the applicant has shown good faith and supports the motion.

Mr. Lee replied to Commissioner Righeimer that after doing some research he found that the structure, built back in the 1960's, was not built to the Zoning Code at that time.

Commissioner Egan pointed out that the City does have setback requirements and this structure is not in compliance. She said she cannot support the motion. She noted the City Council should take a look at the requirements for granny units.

Commissioner Righeimer mentioned that there are three requirements for a granny unit: occupant is 62 years old or above; the unit is parked properly; and the guidelines are followed. He noted four separate variances. Commissioner Righeimer said he would not support the motion; permits were not obtained; and the rules were set in place.

Mr. Lee replied to Commissioner Clark that this structure was not built to code and Commissioner Clark stated he could not support this motion after all. The motion died for lack of a second.

A discussion ensued among the Commissioners concerning whether the structure was an accessory structure or a residential unit.

Mr. Gary Schones was asked to return to the podium and he explained that the structure was built as a workshop/garage, and in the mid-1970's it became a residential unit and his sister lived there.

The Chair and Mr. Lee discussed the setback for a detached storage structure or workshop.

The Chair pointed out that we need to help our neighbors and not penalize them. He also stated that if this project was denied it would go on to the City Council, and it has been going

on now for a year.

Commissioner Egan made some remarks and said conforming to the applicable codes and going by the rules are what we swore to uphold.

The Vice Chair said that it is a tough decision to make and that he watched previous Council meetings on this item. He stated that he cannot find a finding to approve this project. He noted to the Chair that in Finding "B" there are no special circumstances.

Commissioner Clark noted that he feels for the applicant, but there is no reason for the variance and agrees with the Vice Chair. He said he could not support the motion.

Commissioner Righeimer proceeded to make a substitute motion.

**MOTION: Deny Planning Application PA-08-30, by adoption of Planning Commission Resolution PC-09-06, based on the evidence in the record and the denial findings contained in Exhibit "A".
Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan.**

The motion carried by the following roll call vote:

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

Noes: Chair Donn Hall

Absent: None.

The Vice Chair explained the appeal process.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

2008 Planning Commission Design Awards

Planning Commissioner Secretary Kimberly Brandt asked the Commissioners to return their nominations to staff for the 2008 design awards by February 9, 2009 for consideration at the February

23, 2009 meeting. She thanked Chairman Hall and Commissioner Egan for four great years of service on behalf of the Planning Division. She also noted a correction on the agenda that the Commission is adjourning to the Study Session of Monday, February 2, 2009, at 5:30 p.m.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

Deputy City Attorney Duarte congratulated Chair Hall and Commissioner Egan on their service on the Commission with their experience, wisdom, knowledge, and decision-making skills. He said they are true professionals and they will be missed.

X. ADJOURNMENT TO THE MEETING OF MONDAY, FEBRUARY 9, 2009.

There being no further business, Vice Chair Fisler adjourned the meeting at 8:38 p.m. to the Study Session meeting of February 2, 2009 at 5:30 p.m., and then to the Planning Commission meeting of Monday, February 9, 2009.

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