

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
January 28, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., January 28, 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.**

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:

Absent: None.

Also Present: Planning Commission Secy. Kimberly Brandt  
Deputy City Attorney Tom Duarte  
City Engineer Ernesto Munoz  
Principal Planner Claire Flynn  
Senior Planner Mel Lee  
Assistant Planner Hanh Nguyen

**III. MINUTES: Minutes for the meeting of January 14, 2008**

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. **Appeal of Zoning Application ZA-07-57, for Andrew Miller, authorized agent for Scott Savian, for a minor conditional use permit to allow a single-story room addition to encroach into the bluff crest setback and to allow a deck to cantilever a maximum of 10 ft., 6 in. over the bluff crest (10 ft. setback from bluff crest required), located at 1157 Gleneagles Terrace, in an R1 zone. Environmental determination: exempt.**

Assistant Planner Hanh Nguyen reviewed the information in the staff report and responded to a question from the Commission regarding an Engineering study.

Commissioner Clark stated that he brought this item up for review because of the number of neighbor concerns.

Planning Commission Secretary Kimberly Brandt explained the

10-foot bluff crest setback and the findings for approval.

City Engineer Ernesto Munoz replied to the Chair concerning slope stability. He said he was not aware of any slope instability.

Ms. Nguyen clarified to the Vice Chair the deck dimensions and noted that Condition of Approval No. 2 refers to deck covers.

Andrew Miller, applicant, provided a handout to the Commission and gave a presentation.

Mr. Miller explained the redesigned roof system and he agreed to all the conditions of approval. He also said he has hired a geotechnical engineer and a structural engineer for this project.

Geri Cicero, neighbor, Costa Mesa, provided some handouts to the Commission and discussed her objections to trees and her concerns regarding slope stability.

Jeffrey Childs, neighbor, Costa Mesa, noted concerns about slope integrity and the possible side effects.

Allan Hall, neighbor, Costa Mesa, gave his support for the project.

The Chair, Commissioner Clark, and Mr. Miller discussed the location of the construction equipment and the deck's weight load.

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

**MOTION: Uphold Zoning Administrator's decision, by adoption of Planning Commission Resolution PC-08-08, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", deleting the words "and trees" in Condition of Approval No. 7 in Exhibit "B".**

**Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

During discussion on the motion, Commissioner Righeimer gave his support for the motion and also encouraged the public to call Code Enforcement if they think there is a Code violation.

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.

The Chair explained the appeal process.

2. **Appeal of Zoning Application ZA-07-66, for Alan Hall, for a minor conditional use permit to legalize a deck and patio trellises that cantilevers up to 8-½ ft. over the bluff crest**

**(10 ft. setback from bluff crest required), located at 1147 Gleneagles Terrace, in an R1 zone. Environmental determination: exempt.**

Assistant Planner Hanh Nguyen reviewed the information in the staff report and responded to questions from the Commission regarding the original construction of the deck and the bluff ordinance.

Alan Hall, project's property owner, gave a presentation.

Geri Cicero, neighbor, Costa Mesa, stated her concerns about trees, lowering of foliage, and the weight of any future outdoor kitchens.

Jeffrey Childs, neighbor, Costa Mesa, mentioned his concerns about the project's foundation, walls, the blocked views, the unstable hillside, and the possibility of a landslide.

Scott Savian, neighbor, Costa Mesa, gave his support for the project.

The Chair, the Vice Chair, Commissioner Righeimer, and Mr. Hall discussed the foliage, deck size, weight load, solar panels, spa, and the voluntary homeowner association and CC&R's.

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

**MOTION: Uphold Zoning Administrator's decision, by adoption of Planning Commission Resolution PC-08-09, 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 Eleanor Egan.**

Vice Chair Fidler and Commissioner Righeimer both gave their support for the motion.

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.

The Chair explained the appeal process.

- 3. Extension of time for Planning Application PA-06-51, for The Saywitz Company/Barry Saywitz, to allow the conversion of four apartment units to a residential common interest development (condominiums), located at 2536 Orange Avenue, in an R2-MD zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to a question from the Commission regarding adding a condition of approval to move the fence two feet from the sidewalk.

Barry Saywitz of the Saywitz Company, applicant, replied to the Chair that he agreed to all the conditions of approval. He said he is in the process of completing the project, but asked if he could have a time extension for the parcel map as well.

The Chair, Mr. Lee, and Mr. Saywitz discussed the parcel map and the time extension. The Chair reiterated to Mr. Saywitz that the time extension is only for the planning application and if he wants a time extension for the parcel map, he would have to return to the Commission with that request.

Commissioner Egan and Mr. Saywitz discussed landscaping, front setback, and fencing, and Mr. Saywitz noted that the existing fencing does comply with the requirements.

Commissioner Clark, Commissioner Righeimer, and Mr. Saywitz continued to discuss the fencing, and Commissioner Righeimer pointed out that the fence is 10 feet set back and is already in compliance.

Mr. Saywitz expressed his desire for the project to go forward.

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

**MOTION: Approve the one-year time extension through December 11, 2008, for Planning Application PA-06-51, by adoption of Planning Commission Resolution PC-08-10, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

4. **Extension of time for Planning Application PA-06-67, for Michael Boudreaux of Morse-Boudreaux Architects, authorized agent for property owners Craig and Jeff Hermann, for a master plan of a 5-unit, three-story, attached multi-family residential condominium development, located at 1974 Meyer Place, in the Mesa West Residential Ownership Urban Plan area and R2-HD zone. Deviations from minimum open space, rear yard coverage, parking, landscape parkway, and front/side/rear setback requirements are requested. Environmental determination: exempt.**

Principal Planner Claire Flynn reviewed the information in the staff report, and there were no questions of staff.

Craig Hermann, property owner, replied to the Chair that he was in agreement with all the conditions of approval. He mentioned he was not at final plan check yet and needed to

get a loan.

Pat Shuda, Costa Mesa, stated concerns about parking and the fence around the property, and asked that the fence be inspected.

Planning Commission Secretary Kimberly Brandt explained to the Chair that the property owner is responsible for the fence and its upkeep.

Mr. Hermann said he has concerns about graffiti, but mentioned they have a locked fence around the entire property. He also said he has a demolition permit, but plan check approval is needed first.

Mr. Hermann replied to Commissioner Clark that he needed a construction loan so he could start the demolition.

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

**MOTION: Approve the one-year time extension through February 12, 2009, for Planning Application PA-06-67, by adoption of Planning Commission Resolution PC-08-11, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B". 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.

The Chair called a recess at 7:55 p.m. and resumed the meeting at 8:05 p.m.

5. **Planning Application PA-07-31 and Tentative Map T-17248, for Justin McMillen, authorized agent for property owners Andre Ferreira/Sam Ranca, for the following: (1) Master Plan for a 7-unit, three-story, attached residential common-interest development; (2) deviations from open space, lot coverage, rear yard coverage, setback standards, size of residential loft areas, parking requirements, and residential design guidelines regarding bulk/massing; (3) density bonus of 2 units per overlay zone; and (4) subdivision of the property 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 indicated that staff support of the project was largely based on compliance with the intent of the Urban Plan. However, she emphasized that, if the Planning Commission had concerns with the extent of flexibility that was applied to any of the requested deviations, the Planning

Commission may modify or deny the project. She said that staff would like direction from the Planning Commission regarding the extent of flexibility to exercise. She responded to questions from the Commission regarding a letter received from Rod MacMillian and density bonuses.

Justin McMillen, authorized agent for property owners, thanked Planning staff and mentioned that he spoke to Mr. MacMillian.

Andre Ferreira, property owner, stated that he spent a long time designing this project and wants to keep the units owner-occupied.

Mr. McMillen and Mr. Ferreira also noted that they see no problem in selling these units and gave the exact location of the property.

Mr. Ferreira explained that he was using ironwood, which has a 50-year life span.

Commissioner Egan expressed concerns with the 2-space parking deviation, 5% open space, and the reduced side setback. She indicated that the design seems to take away from the sense of space of the adjoining neighbors.

Vice Chair Fisler, Commissioner Righeimer, and Mr. McMillen discussed the parking deviation, building height, and minimal setbacks of the exterior staircases. Vice Chair Fisler expressed concerns with the 2-unit density bonus and suggested that the project be reduced by one unit.

Mr. McMillen pointed out that he has contacted the neighbors.

Julianne Hagen, Costa Mesa, noted her concerns regarding parking, drainage, and the number of units. She indicated that the project was too dense for the neighborhood.

Mary Bitiano, a real estate agent, mentioned that this project was extremely unique and good for the neighbors.

Mark Korando, Costa Mesa, stated that a complete environmental study was needed. He did not support the size, design, and density of the project noting that the project has 95% lot coverage. Mr. Korando believed that this project was extremely incompatible with the area and would further worsen the major drainage problems along Anaheim Avenue. Mr. Korando believed that this type of project was not envisioned in the Urban Plan.

Mark Allen Korando, Costa Mesa, said he was concerned about the density of the project. He expressed that the scale and design was not compatible with the neighborhood.

Ross Pfautz, Costa Mesa, mentioned flooding and lot coverage concerns. He believed that the lot coverage of the proposed project would create severe flooding problems in an area with a history of flooding.

Rod MacMillian, Costa Mesa, stated that he was concerned

about the building height, bulk, the staircases, and the flooding problem. He disliked being subjected to views of the structure from his property, which would include people standing on the second floor staircases and walking around on the green roof deck. He was concerned with privacy and intrusion of a large building in the neighborhood.

Lawrence Sullivan, Costa Mesa, pointed out that the project is too big for that area and is inconsistent with the goals of the City. He believed that the green building features do not justify a project of this magnitude. He said he owned property in the area.

Mr. Pfautz returned to the podium and stated his concerns about the size of the units and the project.

Francoise Pichon, Laguna Beach, said these units are made for young people and that they would not appeal to renters.

Mr. McMillen and Mr. Ferreira both mentioned the green rooftops would slow down the water flow, and they had no intention of putting group homes in these units.

Mr. MacMillian returned to the podium and reiterated his concerns for the water flow problem.

The Chair, Vice Chair Fisler, Mr. Munoz, and Ms. Flynn discussed flooding, the Master Plan of Drainage, upgrades required for run-off, and deleting Condition of Approval No. 7. Vice Chair Fisler indicated that the Urban Plan does not necessarily exempt the green deck from being considered as a fourth story.

Mr. McMillen thanked staff for their help on this project.

Vice Chair Fisler and Ms. Flynn discussed that the project is requesting a 40% density bonus to allow the 7-unit development. Vice Chair Fisler expressed concerns about the overall building height and deficient parking.

**MOTION: Continue to the Planning Commission meeting of March 24, 2008.**

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

During discussion on the motion, Commissioner Righeimer suggested some modifications for possible project approval, including reducing the building height to 35 feet; not allowing any runoff water to flow from the site; and maintaining a five-foot setback around the entire perimeter of the project site for the entire structure, including all exterior staircases.

Commissioner Clark commented on the mass and scale concerns and agreed with Commissioner Righeimer's suggested modifications.

Vice Chair Fisler noted that to meet the parking requirements, six of the seven units need to be two-bedroom units. He expressed an interest for a six-unit project.

Commissioner Egan pointed out that the size of the building overall needs to be reduced. She was concerned with the scale of the project and neighborhood character. She inquired if 60 days is enough time for the applicant.

Mr. Ferreira said 60 days was sufficient.

Commissioner Egan mentioned that while there are some good aspects to the project, she does have concerns about compromising the adjacent properties for a building of this size. She does want the applicant to proceed, but asked that he keep the neighborhood in mind and reduce the size overall.

The Chair commented that he liked the contemporary architecture and confirmed with Commissioner Clark that he agreed with the March 24 date.

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.

6. **Planning Application PA-07-36, for Chris Bennett, authorized agent for Shaheen Sadeghi, for a conditional use permit for a boutique wine bar with wine tastings, open until 2:00 a.m. at the LAB, within 200 feet of a residential zone, located at 2930 Bristol Street, Suite A101-A, in a C2 zone. Environmental determination: exempt.**

The Chair mentioned that this item is scheduled to be continued.

Senior Planner Mel Lee replied to the Chair that he had nothing further to add.

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

**MOTION: Continue to the Planning Commission meeting of February 11, 2008.**

**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, Commissioner Eleanor  
Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

7. **Planning Application PA-07-44, for John Vach, authorized agent for Marilyn Huscroft, for a conditional use permit for a vehicle auction at a tow yard, previously approved under ZA-07-27, located at 1640 Babcock Street, in an MG zone. Environmental determination: exempt.**



Senior Planner Mel Lee reviewed the information in the staff report and there were no questions of staff.

John Vach, authorized agent for the property owner, replied to the Chair that he agreed to all the conditions of approval, and provided a handout to the Commission on California Vehicle Code sections pertaining to lien sales and tow companies. He gave a detailed presentation.

Mr. Vach explained the process involved after a towed vehicle is in their possession, including the number of days before claiming a lien and auctions.

Commissioner Righeimer and Mr. Vach discussed onsite parking and Mr. Vach said that signs could be posted to direct customers to the site.

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

**MOTION: Approve Planning Application PA-07-44, by adoption of Planning Commission Resolution PC-08-12, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to the following findings and conditions, including changing the word "auction" to "lien sales" in both the findings and conditions to clarify that this is not a blanket approval for conducting vehicle auctions but merely for lien sales that are incidental to a towing business.**

#### Findings

A. The information presented ~~does not~~ substantially ~~comply~~ complies with Costa Mesa Municipal Code Section 13-29(g)(2)347 in that the proposed vehicle ~~auctions~~ lien sales ~~are not~~ is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed vehicle ~~auctions~~, lien sales as a commercial use, ~~are not appropriate for the subject property with its industrial zone. Furthermore, approval would intensify the towing business, which is located across Babcock Street from a recently approved mixed-use development.~~ will be incidental to the approved towing business and impound yard and the conditions of approval will minimize impacts to surrounding industrial and proposed mixed-use development. Granting the conditional use permit will allow a use, density or intensity which is ~~not~~ in accordance with the general plan designation for the property.

#### Conditions of Approval

2. All ~~auction~~ customer traffic for the vehicle lien sales shall be from Placentia Avenue only, both to arrive and depart, and include the newly purchased vehicles, whether driven or towed from the site.
3. No more than one ~~auction~~ vehicle lien sale per week

shall be conducted at the property.

4. ~~The auctions~~ vehicle lien sales shall take no longer than 2 hours.

5. A maximum of 20 vehicles per week shall be sold at each weekly ~~auction~~ vehicle lien sale.

8. ~~Auctions~~ Vehicle lien sales shall only occur between 8 a.m. and 5 p.m., Monday through Friday but are prohibited on federal holidays.

11. During the vehicle lien sales, the business operator shall post signs directing customers where to park.

**Moved by Commissioner Eleanor Egan, 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, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

- 8. **Planning Application PA-07-54, for Gaston Villaba, authorized agent for Mesa Brothers, LLC, for a variance to encroach into the required front setback for an outdoor bar area (20 ft. required; 6 ft. proposed), with a conditional use permit to serve alcoholic beverages past 11:00 p.m. (midnight on weekdays and 2:00 a.m. Fridays and Saturdays), with live entertainment, within 200 feet of a residential zone, and a minor conditional use permit to expand an outdoor seating area for restaurant use (previously a coffee house), and to deviate from shared parking requirements, located at 1749 Newport Boulevard, in a C2 zone. Environmental determination: exempt.**

Senior Planner Mel Lee stated that staff is recommending this item be continued to allow time to review the applicant's newly proposed design changes, the revised plans, and to determine the new recommendation.

Gaston Villaba, applicant, replied to the Chair that he would like a continuance.

**MOTION: Continue to the Planning Commission meeting of February 11, 2008.**

**Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

**VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.  
Planning Commission Design Awards Selection for 2007**

Senior Planner Mel Lee explained the Planning Commission Design Awards Selection process and noted that the awards would be announced at their meeting of March 10.

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

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, FEBRUARY 11, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 10:08 p.m. to the Planning Commission meeting of Monday, February 11, 2008.

Submitted by:

  
KIMBERLY BRANDT, SECRETARY  
COSTA MESA PLANNING COMMISSION