

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

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

Commissioner Righeimer 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  
Senior Planner Minoo Ashabi  
Associate Planner Wendy Shih

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

Vice Chair Fisler noted that there were corrections to the minutes and they were distributed to the Commissioners. The Chair approved the corrected minutes as distributed.

**IV. PUBLIC COMMENTS:**

Mariann Ross, Costa Mesa, strongly opposed the zoning application for Trinity Christian Center and was concerned because this application would be decided by the Zoning Administrator and

not the Planning Commission. She also inquired about the follow-up notice.

The Chair and Planning Commission Secretary Kimberly Brandt discussed the status of the subject zoning application, its continuance, and notice mailing. The Chair asked Ms. Ross to fill out a green register card.

Olga Hallachian, Costa Mesa, asked if her faxed letter relating to one of tonight's public hearing items was received and the Commission affirmed its receipt. The Chair pointed out that she could speak during the public comments on that item.

**V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Righeimer mentioned that Estancia High School's new stadium has been built and it is one of the finest looking high school stadiums in Orange County.

Vice Chair Fisler thanked Code Enforcement staff for promptly taking care of an abandoned property with a pool that was turning green by having the pool drained to prevent the breeding of mosquitoes. He also encouraged the public to call Code Enforcement with similar health hazards.

**VI. CONSENT CALENDAR:**

**1. Annual Review of the City of Costa Mesa's Capital Improvement Program**

The Chair asked if anyone wished to pull this item from the Consent Calendar to discuss it separately, and there was no response.

**MOTION: Find Capital Improvement Program consistent with City of Costa Mesa's General Plan by adoption of Planning Commission Resolution PC-08-37. 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.

## VII. PUBLIC HEARINGS:

1. **General Plan Amendment GP-08-01, Rezone R-08-01, and Planning Application PA-08-06, for Phil Schwartz, authorized agent for Newport Investment Strategies, located at 320 E. 18th Street, in an I & R zone. Environmental determination: exempt.**

(a) General Plan Amendment GP-08-01, to change land use designation from Public/Institutional to Medium Density Residential.

(b) Rezone R-08-01, for a rezone from I&R (Institutional and Recreational) to R2-MD (Multi-Family Residential - Medium Density).

(c) Planning Application PA-08-06, a design review for a two-unit, two-story, single-family residential common-interest development, including variance from rear yard lot coverage (25% required; 30% proposed), administrative adjustment for second floor setback (20' feet required; 12' proposed), and minor modification to allow an 8-foot perimeter blockwall.

Senior Planner Mino Ashabi reviewed the information in the staff report and responded to questions from the Commission regarding the legality of the lot, new subdivisions, the 1969 Ordinance, and Condition No. 6 concerning the block wall. Planning Commission Secretary Kimberly Brandt also explained the legality of the lot.

Phillip Schwartz, authorized agent for the property owners, discussed the block wall, grading prior to construction, and proposed rewording of Condition No. 6 regarding the new block wall requirement. He also mentioned saving the tree in front. Mr. Schwartz agreed to all the conditions except for Condition No. 6, asking that it be reworded.

Howard Denghausen, Costa Mesa, spoke in support of the project.

Paul Wilbur, Costa Mesa, stated that the right use for this land is for church parking.

Beth Refakes, Costa Mesa, pointed out that this is a great project.

David (last name inaudible) asked about the 2-unit, two-story, single-family, detached lot and the Chair answered his question.

Olga Hallachian, Costa Mesa, expressed her concerns regarding the existing fence, the proposed wall, and the noise.

Ruby Wilbur, Costa Mesa, spoke in opposition to the project noting that there are no trees and too much cement. She also asked why the group home is on that street.

Ms. Brandt stated that at 308 E. 18th Street there is a group home, which is in an I&R zone.

Mr. Schwartze explained that the construction time for this project will be as brief as possible and the Chair pointed out that the construction working hours will be enforced.

Mr. Schwartze stated that the construction fencing will be placed in between both properties where shrubs/trees are located; construction is expected to be about 6 months long; and said there will be a permanent block wall along the perimeter of the project.

Commissioner Righeimer, Acting City Engineer Fariba Fazeli, and Mr. Schwartze discussed Condition No. 8, and having the City Arborist review the big tree in the front yard and the process that is involved with the Parks and Recreation Commission if the tree is removed.

Ms. Brandt suggested the rewording of the last sentence of

Condition No. 8, as follows, "The existing mature tree in the front yard and/or public right-of-way shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate."

The Chair and Deputy City Attorney Christian Bettenhausen discussed the language of the condition as it relates to the tree.

The Commission, Ms. Ashabi, and Mr. Schwartz discussed the reinforced 8 ft. wall as a solid barrier between the site and church property, and the construction hours noted in Condition No. 15.

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

**MOTION: Recommend that City Council approve General Plan Amendment GP-08-01 as shown in Exhibit "A", Rezone R-08-01 as shown in Exhibits "B" and "C", and Planning Application PA-08-06, by adoption of Planning Commission Resolution PC-08-38, based on the evidence in the record and findings contained in Exhibit "D", and upon applicant's compliance with each and all the conditions contained in Exhibit "E", with the revised conditions, as follows:**

**Conditions of Approval**

**6. Upon completion of demolition and grading activities and prior to construction of the new units, the applicant shall construct a decorative block/sound wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and landscaping. The block wall shall be constructed of decorative block at 8 feet high on the east and north side adjacent to the church property and reduce to 7 feet high and 6 feet high on the**

northwesterly corner and the westerly property line. The block wall shall be at least 6 inches thick and of consistent color and texture or match any existing masonry walls within the immediate street segment.

8. To the fullest extent possible, the landscape plan shall feature 24-inch box trees and 5-gallon shrubs that exceed the minimum size requirements of trees and shrubs as described in the City's landscaping standards to the satisfaction of the Development Services Director. The landscape plan shall also show decorative treatment (i.e., concrete pavers, brick, aggregated) within the private driveway. The landscape plan shall be approved prior to issuance of building permits. The existing mature tree in the front yard and/or public right-of-way shall be retained in its current location if determined feasible. Relocation or replacement of the tree shall occur under the direction of the Planning Division and Public Services Department as deemed appropriate.

Moved by Vice Chair James Fidler, seconded by Commissioner Sam Clark.

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 Righimer

Noes: None.

Absent: None.

2. From the meeting of April 14, 2008, Planning Application PA-08-03, for Bert Tarayo, authorized agent for Daniel and Jani Judge, for construction of a two-story single-family residence with a variance from building height requirements (27 feet permitted; 29 feet, 10 inches proposed); chimney height (29 feet permitted, 33 feet proposed); an administrative adjustment for a reduced side setback for the first floor (5 feet required; 3 feet proposed); and a minor conditional use permit for excess garage area (700 sq. ft. maximum allowed; 843 sq. ft. proposed); with a minor design review to deviate from the recommended 80% second-to-first floor ratio (82% proposed) and a 10-ft. average side setback (7 feet, 8

**inches proposed), located at 231 Flower Street, in an R1 zone. Environmental determination: exempt.**

The Chair stated that a request was received from the applicant to continue this item to the meeting of June 23. He asked if anyone wished to speak on this item that would not be able to attend the continued meeting date of June 23, 2008, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting of June 23, 2008.**

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

Senior Planner Mino Ashabi reviewed the information in the staff report and responded to a question from the Commission

regarding the length of time involved with this time extension item.

Paul Julian, representing Maguire Properties, agreed to all the conditions of approval and noted that he did not know how long this item would be extended.

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 July 12, 2008 through July 12, 2009 for Vesting Tentative Parcel Map VPM-03-250 and Final Master Plan PA-02-33, by adoption of Planning Commission Resolution PC-08-39.**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

4. **Extension of time for Planning Application PA-06-52, for 2460 Newport LLC, for a Master Plan to construct a 14-unit, two-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.**

The Chair said staff has requested that this item be continued to the meeting of May 27. He asked if anyone wished to speak on this item that would not be able to attend the continued meeting date of May 27, 2008, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting of May 27, 2008.**



**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 Fidler, Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

5. **Planning Application PA-08-08, for The Crossing Church, for a conditional use permit to allow outdoor storage of motor vehicles on the 4th level of a parking structure, located at 2115 Newport Blvd., in a C2 zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Dale Winson, authorized agent for The Crossing Church, agreed to all the conditions of approval. He explained that the dealership's courtesy cars are used to pick up the employees who drive the vehicles over to the site for storage and that approximately 2-8 cars are driven to the site for storage each weekday.

Commissioner Egan proposed two additional conditions of approval, as follows:

7. No customer traffic to the site is allowed.
8. No servicing of stored vehicles, including washing, shall be allowed at the site.

Mr. Winson agreed to both of the additional conditions.

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

**MOTION: Approve Planning Application PA-08-08, by adoption of Planning Commission Resolution PC-08-40, based on the evidence in the record and findings**

**contained in Exhibit "A", subject to conditions in Exhibit "B", with the revised Condition No. 1 and additional Condition Nos. 7 and 8, as follows:**

**Conditions of Approval**

**1. The conditional use permit herein approved shall be valid until, and the outdoor storage of new motor vehicles shall be removed prior to December 31, 2010, or issuance of certificate of occupancy for the sanctuary building, whichever occurs first. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.**

**7. No customer traffic to the site is allowed.**

**8. No servicing of stored vehicles, including washing, shall be allowed at the site.**

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

During discussion on the motion, Commissioner Egan suggested that the first sentence be changed in Condition No. 1 to avoid any confusion. The first sentence should read, "The conditional use permit herein approved shall be valid until, and the outdoor storage of new motor vehicles shall be removed prior to December 31, 2010, or issuance of certificate of occupancy for the sanctuary building, whichever occurs first."

The maker of the motion agreed with the change to Condition No. 1.

Commissioner Egan, Deputy City Attorney Bettenhausen, and Mr. Winson discussed the date in the revised Condition No. 1, and the option of the applicant coming in for an extension. Mr.

Winson agreed to the revised Condition No. 1.

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. **Parcel Map PM-07-110, for Dan Kruse, for a tentative parcel map to split one lot into two, located at 857 Governor Street, in an R1 zone. Environmental determination: exempt.**

The Chair stated that this item will be continued to the meeting of May 12. He asked if anyone wished to speak on this item that would not be able to attend the continued meeting date of May 12, 2008, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting of May 12, 2008.**

**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.

7. **Parcel Map PM-08-113, for 126 Properties, LLC, for a tentative parcel map to facilitate a residential common interest development conversion of a duplex approved under PA-07-56, located at 550 Bernard St., in an R2-HD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and there were no questions of staff.

The applicant was not in attendance, but the Chair proceeded with the item.

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

**MOTION: Approve Parcel Map PM-08-113, by adoption of Planning Commission Resolution PC-08-41, based on the evidence contained in Exhibit "A" and subject to the one condition in Exhibit "B".**

**Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.**

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.

#### **VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

Planning Commission Secretary Kimberly Brandt announced that Public Hearing Item No. 1, for 320 E. 18th Street, will be forwarded on to the City Council for their meeting of May 20, 2008. She also mentioned that on May 12, from 4:30 p.m. to 6:00 p.m., the Planning Division will be holding their annual Open House, which is open to the public. It will be held in Conference Room 1-A, and the public is invited to come and meet Planning staff. The Planning Commissioners are also welcome to attend the Open House. There will be appetizers, as well as other items of interest, she said.

#### **IX. REPORT OF THE CITY ATTORNEY'S OFFICE.**

None.

#### **X. ADJOURNMENT TO THE MEETING OF MONDAY, MAY 12, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 7:55 p.m. to the Planning Commission meeting of May 12, 2008.

Submitted by: \_\_\_\_\_  
KIMBERLY BRANDT, SECRETARY  
COSTA MESA PLANNING COMMISSION