

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
July 9, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., July 9, 2007, 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: Acting Plng. Comm. Secy. Claire Flynn  
Deputy City Attorney Tom Duarte  
Acting City Engineer Fariba Fazeli  
Senior Planner Mel Lee  
Associate Planner Wendy Shih  
Assistant Planner Hanh Nguyen

III. MINUTES: Minutes for the meeting of June 25, 2007

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

The Vice Chair asked the Commission members if there were any objections to moving Public Hearing Item Nos. 3 and 6 before Item No. 1. He made this request because he believes these items will be decided upon quickly. There were no objections.

VI. PUBLIC HEARINGS:

3. Planning Application PA-06-74, for Richard Su, authorized agent for Carrie Wang and Yukie Takeuchi, for a design review to construct a 3-unit, 2-story small lot common interest development with variances from minimum and average lot sizes (3,000 sq. ft. minimum with overall average of 3,500 sq. ft. required; 2,488 sq. ft. minimum with overall average of 2,886 sq. ft. proposed) and driveway parkway landscaping (10 ft. combined with 5 ft. minimum on house side required; 6 ft. combined with 3 ft. on house side proposed), and minor modifications for a 16 ft. front setback (20 ft. required), 8 ft. building separation (10 ft. required), and minimum 13 ft. driveway width (16 ft. required), located at 134 Santa Isabel Avenue, in an R2-MD zone. Environmental determination: exempt.

The Chair asked if anyone wished to speak on this item that would not be able to attend the meeting of July 23, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting of July 23, 2007.**

**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.

6. [Tentative Tract Map T-17192, for Johnny Lu, authorized agent for 2460 and 2472 Newport LLC, for a tentative tract map to facilitate the 14-unit attached common interest development approved under PA-06-52, located at 2460 and 2472 Newport Boulevard, in a PDR-HD zone. Environmental determination: exempt.](#)

Acting Planning Commission Secretary Claire Flynn reviewed the information in the staff report and said this tentative tract map is in compliance with the Subdivision Map Act and staff recommends approval. There were no questions of staff.

Johnny Lu, authorized agent for 2460 and 2472 Newport LLC, thanked staff and agreed to the conditions of approval.

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

**MOTION: Approve Tentative Tract Map T-17192, by adoption of Planning Commission Resolution PC-07-51, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in Exhibit "B".**

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

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.

1. [From the meeting of June 11, 2007, Zoning Code Amendment CO-07-01, regarding development standards and review procedures for conversions of apartments to residential common interest developments and non-residential projects to common interest developments. Environmental determination: exempt.](#)

Acting Planning Commission Secretary Claire Flynn reviewed the information in the staff report and said there is a Joint Study Session on July 10 with the Planning Commission and the City Council. Staff recommends that the Planning Commission receive additional public comments tonight and additional Commissioner comments at the Joint Study Session and that this item be continued to the meeting of July 23. Ms. Flynn discussed the major policy issues, and there were no questions of staff.

Harvey Berger of Berger Development Company, Newport Beach, discussed the importance of having a thorough inspection made on buildings over five years old by a State licensed architect or civil engineer.

Mr. Berger explained to Commissioner Egan the factors as to why new condominiums are not being built. He noted that economics and that older buildings have very little public open space.

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

**MOTION: Continue to the Planning Commission meeting of July 23, 2007.  
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 Fidler, Commissioner Sam Clark  
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

2. Rehearing of Planning Application PA-06-78 and Tentative Tract Map T-17142, for Barry Saywitz of Barry Saywitz Properties Two LP, for a residential common interest development (condominiums) conversion of 12 apartment units with a tentative tract map to facilitate the conversion, located at 577-579 Victoria Street, in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and brought the project up to date. He noted to the Vice Chair about handwritten Page 32 which shows the parking, density, and open space allowed.

Barry Saywitz of Barry Saywitz Properties Two LP, applicant, Newport Beach, agreed to the conditions of approval except for No. 33, requiring the removal of three units. He reiterated that it would not be financially feasible for him.

Mr. Saywitz discussed with the Vice Chair the requirements he agreed to relating to his project on 18th Street. He also explained to Commissioner Righeimer that he is open to any new project or opportunity if it financially makes sense.

Commissioner Righeimer asked Mr. Saywitz to go through the project costs, line by line, to see how it would not be profitable for him to build this project. Mr. Saywitz said he had a brief outline of the costs.

Mr. Saywitz continued his explanation of the soft and hard costs of the project. He said that it would not be profitable for him if there were only nine units instead of 12.

Mr. Saywitz discussed the size of the units with Commissioner Righeimer.

Mr. Saywitz responded to a question from the Chair that copper piping is used for the plumbing.

MOTION: Approve Planning Application PA-06-78 and Tentative Tract Map T-17142 based on the evidence in the record and the findings contained in Exhibit "A", subject to all conditions of the prior approval except for Condition No. 33.  
Moved by Commissioner Eleanor Egan, seconded by Chair Donn Hall.

Commissioner Egan explained why she made her motion.

The Vice Chair and Commissioner Clark both stated they were not supporting the motion and Commissioner Egan made a comment that the prior vote on the project was for approval not denial.

The Vice Chair made a substitute motion.

**MOTION: Uphold the approval of Planning Application PA-06-78 and Tentative Tract Map T-17142, by adoption of Planning Commission Resolution PC-07-52, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B".  
Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

During discussion on the substitute motion, Commissioner Clark confirmed that this motion is to approve the project exactly as it was approved last time.

There was a discussion between the Chair and the Vice Chair concerning the tentative tract map and if it could be approved in the motion. Mr. Lee explained that the approved tract map would reflect Condition of Approval No. 33 in final map form and the motion was re-read.

The motion carried by the following roll call vote:

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

James Righeimer

Noes: Chair Donn Hall, and Commissioner Eleanor Egan

Absent: None.

The Chair explained the appeal process.

4. Planning Application PA-07-05, for Leonard Bekemeyer, authorized agent for Nick Kareotes, for a design review for a 4-unit, 2-story residential common interest development that does not meet the Residential Design Guidelines for second-to-first floor ratio (80% maximum recommended; 110% proposed) and for second-to-first floor left side setback (10 ft. average recommended; 8 ft. average proposed), with variances from open space (40% required; 36% proposed) and driveway parkway landscaping requirements (10 ft. combined width required; 3 ft. to 8 ft. proposed), located at 390 West Bay Street, in an R3 zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and said staff recommends denial due to lack of open space. She responded to questions from the Commission regarding the size of the units and open space variances.

Leonard Bekemeyer, authorized agent for Nick Kareotes, discussed open space percentages and that this project has more than ample individual open space. He agreed to all the conditions of approval.

In response to a question from Commissioner Egan on possible findings for a variance, Mr. Bekemeyer replied that the narrowness of the lot could be a variance justification. He asked if he could have a continuance instead of a "no vote." There was a discussion about taking all the comments in this public hearing.

Martin Millard, Costa Mesa, spoke in favor of this project and the need for this type of project.

The Chair said this project's open space is shy 382 square feet. Commissioner Egan noted private and public open space.

Deputy City Attorney Tom Duarte suggested that the public hearing be closed, but the Chair asked Mr. Bekemeyer to decide whether he wanted the Commission to vote on the Planning Application or ask for a continuance. Mr. Bekemeyer requested a continuance.

**MOTION: Continue to the Planning Commission meeting of August 13, 2007.  
Moved by Commissioner Eleanor Egan,  
seconded by Commissioner Sam Clark.**

During discussion on the motion, the actual date of the continuance was determined by staff. Staff also advised Mr. Bekemeyer that revised plans are due in 1-1/2 weeks.

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.

5. [Planning Application PA-07-17, for Barry Saywitz of the Saywitz Company, for a variance from minimum interior garage dimensions \(10-ft. minimum width required for each garage space; 9 ft. minimum proposed\) to allow the conversion of carports to garages for a residential common interest development conversion approved under PA-06-48, located at 1798 Pomona Avenue, in an R3 zone. Environmental determination: exempt.](#)

Assistant Planner Hanh Nguyen reviewed the information in the staff report and said staff recommends approval with the additional condition that the applicant notify each new buyer of the



substandard garage widths. There were no questions of staff.

Barry Saywitz of the Saywitz Company, applicant, Newport Beach, distributed additional project information to the Planning Commissioners and said he agreed to all the conditions of approval and the additional condition.

Mr. Saywitz explained to Commissioner Egan and Commissioner Clark about the existing garages and private open space and the garage doors.

The Chair excused himself from the meeting and the Vice Chair announced he would oversee the meeting for a few minutes in the Chair's absence.

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

The Vice Chair called a recess at 7:50 p.m. and the Chair returned and resumed the meeting at 7:54 p.m.

**MOTION: Approve Planning Application PA-07-17, by adoption of Planning Commission Resolution PC-07-53, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the addition of the following condition:**

**5. The Developer shall satisfy requirements for providing a "Notice to buyers" regarding the interior dimensions of the garage areas in form and substance to the satisfaction of the City Attorney's office and Development Services Director.**

**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.

**VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

**1. Appointment of Planning Commission representative to the Ad Hoc Traffic Impact Fee Committee.**

Acting Planning Commission Secretary Claire Flynn noted that a representative is needed from the Planning Commission for this committee.

The Chair stated that Commissioner Righeimer has volunteered to be on this committee.

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

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, JULY 23, 2007.**

There being no further business, Chairman Hall adjourned the meeting at 7:56 p.m. to the regular meeting of Monday, July 23, and the study session of tomorrow, Tuesday, July 10, 2007.

Submitted by: \_\_\_\_\_  
CLAIRE FLYNN, ACTING SECRETARY  
COSTA MESA PLANNING COMMISSION