

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION**

July 11, 2005

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., July 11, 2005 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Perkins, followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

Commissioners Present:

Chairman Bill Perkins

Vice Chair Donn Hall

Eleanor Egan, James Fisler, and Bruce Garlich

Also Present: R. Michael Robinson, Secretary

Costa Mesa Planning Commission

Tom Duarte, Deputy City Attorney

Ernesto Munoz, City Engineer

Mel Lee, Senior Planner

Wendy Shih, Associate Planner

MINUTES:

The minutes for the meeting of June 27, 2005 were accepted as corrected.

PUBLIC COMMENTS:

None.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

Commissioner Fisler invited the public beginning on July 12th, every Tuesday through August 16th, to the annual summer "Concerts in the Park" event beginning at 6:15 p.m. and ending at 7:45 p.m.

Chair Perkins encouraged everyone to have a safe and enjoyable visit at the annual Orange County Fair, which runs through July 31st.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:

PARCEL MAP PM-05-148

Camp/Development Resource Co.

The Chair opened the public hearing for consideration of Parcel Map PM-05-148 for Development Resource Consultants, authorized agent for Hyland Partners LLP/James V. Camp, to subdivide an existing industrial building for condominium purposes, located at 3525 Hyland Avenue, in an MP zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions.

James Camp, Hyland Partners, 26 Corporate Parkway, Newport Beach, agreed to the conditions of approval.

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

MOTION:

PM-05-148

Approved

A motion was made by Commissioner Garlich, seconded by Commissioner Egan to approve by adoption of Planning Commission Resolution PC-05-41, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B".

The Chair explained the appeal process.

ONE-YEAR EXTENSION OF
TIME FOR PLANNING
APPLICATION PA-04-13

Brogan/Somsel

The Chair opened the public hearing for consideration of an extension of time for Planning Application PA-04-13 for Dana Somsel, authorized agent for Irene Brogan, for a minor design review to construct a new 837 square-foot, second dwelling unit above a new, 1,044 square-foot, four-car garage, behind an existing dwelling unit; with a variance to deviate from required driveway landscaping (10' combined, 5' on house side required; 9.5' combined, 3' on house side pro-

posed), located at 180 22nd Street in an R2-MD zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions.

Robert Beck, 180 22nd Street, Costa Mesa, agreed to the conditions of approval.

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

MOTION:
Ext. of Time for PA-04-13
Approved

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 5-0 to approve by adoption of Planning Commission Resolution PC-05-42, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B".

The Chair explained the appeal process.

PLANNING APPLICATION
PA-04-26

Bauer/Frost

The Chair opened the public hearing for consideration of Planning Application PA-04-26 for Steven Frost, authorized agent for Patricia Bauer, for a conditional use permit to allow up to 90 off-street parking spaces on First Church of Christ Scientist parking lot, located at 2880 Mesa Verde Drive East in an I & R zone, for use by students of the Paul Mitchell Schools, located at 1534 Adams Avenue in a C1 zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions, and that the third sentence in condition of approval #4 referencing parking and the municipal code be deleted.

Steven Frost, 1534 Adams Avenue, Costa Mesa, agreed to the conditions of approval. In response to a question from Commissioner Garlich regarding the applicant's agreement with an additional condition for complaints going to Paul Mitchell and not the City's Code Enforcement Division, Mr. Frost agreed to the additional condition. Commissioner Garlich also asked that a mechanism for assuring that the information is available to the public (signage, letters to the neighborhood, etc.), be worked out between Paul Mitchell and staff. In further response to Commissioner Garlich, Mr. Frost agreed to document a parking plan.

In response to a question from the Chair, Mr. Frost also agreed to a 12-month status report from the date of approval regarding security and any parking problems.

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

MOTION:
PA-04-26
Approved

A motion was made by Commissioner Garlich, seconded by Chair Perkins, and carried 5-0 to approve by adoption of Planning Commission Resolution PC-05-43, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modification and additions:

Conditions of Approval

- 4. ~~Delete the third sentence in the paragraph as follows: Parking shall comply with all regulations per CMMC Section 13-96.~~
- 13. To assure that the City's Code Enforcement Division will not be contacted for complaints, all complaints shall be submitted to, and handled by Paul Mitchell School.
- 14. Applicant shall submit a parking management plan to the Planning Division for review and approval.
- 15. The applicant shall monitor parking compliance and shall sub-

mit a status report to the Planning Division no later than 12 months from the date of approval of this application.

The Chair said he was happy all issues had been resolved and that Paul Mitchell was willing to work with the City. The Chair then explained the appeal process.

DEVELOPMENT REVIEW
DR-05-09

Target/Long

The Chair opened the public hearing for consideration of Development Review DR-05-09 for Chris Long/Pacific Land Services, authorized agent for the Target Corporation, to modify conditions of approval for DR-99-22A to allow extended hours of operation for Target Greatlands during the Christmas holiday season (propose to open at 6 a.m.; 7 a.m. opening permitted), to modify the conditions of approval and mitigation measures for DR-99-22 to allow district office employees to park closer to the office during daytime hours only, and to allow parking lot sweeping at 7 a.m. (8 a.m. permitted), located at 3030 Harbor Boulevard in a C1 zone. Environmental determination: previous Mitigated Negative Declaration.

Senior Planner Mel Lee reviewed the information in the staff report and made a presentation. He said staff was recommending approval of the modification for extended holiday hours and denial of modifications to parking lot sweeping and district office employee parking, by adoption of Planning Commission resolution, subject to conditions.

There was discussion between the Chair, Commissioner Garlich and Deputy City Attorney Tom Duarte regarding the addition of a condition limiting the time employees were allowed to come on site during the holiday operations.

There was also discussion between Vice Chair Hall and staff regarding other stores which are open for business during the holidays at 6 a.m.

In response to the Chair, Mr. Lee pointed out where all employees have been instructed to park.

Chris Long, Pacific Land Services, 2151 Salvio, Concord, representing Target Greatlands said that although the request is for 3 items, the request for the change in hours for the holiday season is the most important to them because all the stores in the area will be on that schedule and will be advertised as such. He said the parking lot sweepers wished to get ahead of their cleaning before any cars came on site, however, this was part of a mitigation measure from the previous approval and may not be something the Commission can approve. He explained that the request for 4 district office employee parking spaces would make it lot easier to have parking spaces closer to the building in which they work. He pointed out that this is an "office use only" and it is extremely quiet. Currently, there is one ADA parking stall located at the proposed district office parking area, and Target is trying to allow 2 to 3 additional parking spaces for district office employees only to be used during the hours of 8 a.m. to 5 p.m. including holidays.

There was a discussion between the Chair and Mr. Long regarding the district office setup and what Target is doing to make sure their employees park in the areas assigned for employee parking only.

Commissioner Egan said she would like to know whether the district office employees have fixed hours during the holiday season. Mr. Long stated that their hours are from 8 a.m. to 5 p.m., Monday through Friday, through the holiday season as well. In response to another question from Commissioner Egan regarding parking lot sweeping and the fact that it takes an hour before the store opens, she asked how it would work when the holiday season arrives, Mr. Long stated that during those times, the hours for the sweeping would not change and they would have to do the best they could.

Al Morelli, 3412 Geranium, Costa Mesa, asked the Commission to deny all requests by the applicant. Mr. Morelli read a 3-page letter he wrote to Planning Commission dated July 9, 2005 in which he discussed his reasons for objecting to Target Greatlands' requests.

In response to a question from Commissioner Garlich regarding the Commission's consideration of approving the requests for a parking change and changes in street sweeping hours, Mr. Lee said that CEQA (California Environmental Quality Act) requires that modifications made to the employee parking and parking lot sweeping (because they were originally mitigation measures, as well as conditions of approval) also require a finding for those modifications, including substitute mitigation measures, that have the same or equal effect as the original mitigation measure(s).

Mr. Robinson added that there is a specific section in the CEQA Guidelines, 15074.1 which states, prior to deleting, or substituting a mitigation measure, the Commission must (1) hold a public hearing, and (2) adopt a written finding as described by Mr. Lee. He said the section also states, "No recirculation of the proposed Mitigated Negative Declaration is required with the new mitigations measures or conditions otherwise incorporated into the project." He said since we are talking about mitigation measures that were adopted as conditions of approval, substitution or deletion would also become a part of the project approval according to the guidelines above.

In response to the Chair, Mr. Duarte advised that staff responded adequately and was right on point. He said with regard to any other CEQA challenges that Mr. Morelli brought up, this project was approved in 2000; it was challenged by him and the court looked at it and dismissed the case.

Sara Morelli, 3412 Geranium Street, Cost Mesa, requested that the Commission deny the modifications based on having to endure additional noise in the neighborhood.

Chris Long returned to the podium and explained that the hours change was not related to the mitigation measures in the environmental document; the parking lot sweeping request may be such that they would be willing to drop that request if it were to require a special finding; and the district parking could have a substitute measure of having those employees place a sticker on their cars which can be easily seen, and enforceable. He commented that the district office parking and the extended holiday hours were valid and they would like them processed.

In response to the Chair, should the Commission decide to allow district parking, would the applicant agreed to an additional condition stating that they would generate a 12-month status report to the Planning Division to include employee parking, Mr. Long agreed.

In response to a question from Commissioner Garlich regarding how many people are employed by this Target Greatlands and what the rationale is for the requested parking, Mr. Long stated that approximately 40 to 50 employees would walk from Harbor Boulevard to the front door and the other 4 district employees would be walking twice as far. He felt it was a reasonable request for these 4 corporate employees since they are only talking about 3 to 4 cars.

In response to the Chair concerning questions about security, Mr. Long said he felt security for the center was very good and that he has encountered security personnel several times. He said they have a very active and present security force.

Commissioner Egan asked if the 3 spaces that are now shown as proposed employee parking for the district office, are currently marked as customer spaces. Mr. Long explained that they are not

marked except for the ADA parking stall.

In response to a question from Commissioner Fisler, Mr. Long stated that Target's hours of operation are from 8 a.m. to 11 p.m.

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

MOTION:
PA-04-26
Denied

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0 to deny by adoption of Planning Commission Resolution PC-05-44.

During discussion on the motion, Commissioner Garlich stated that he did not feel Home Depot has the same proximity to residential, as does Target Greatlands. He said the Commission has had to deal with proposed changes in hours of operation before for the sake of national advertising. He said it is interesting to note that the number of people needed to open the store at 6 a.m. is a small number because they expect a small number of people to be shopping and it doesn't make a compelling argument for opening early. He said he is reluctant to start chipping away at the agreements that were hammered out when this project was initially approved.

Chair Perkins agreed with Commissioner Garlich. He said he frequented this center often and jumping back 2 hours during the holiday season was of concern to him. He understands it's a distance for the district office to have to walk; the parking lot sweeping, and although it clears the lot of debris, it's a lot of noise to tolerate. Target needs to get the employee parking cleaned up, start working with the neighbors, and cleaning up some of the situations in the parking lot.

Vice Chair Hall said he was somewhat sympathetic to the district office parking, moving closer to the office, and because of the hours are limited from 8 a.m. to 5 p.m., he asked Commissioner Garlich why he included that in his denial.

Commissioner Garlich explained that he did not see a necessity to have 4 people who get to park close to the front door while the other 40-50 employees must walk some distance from the employee parking area to the front door of the store. He said those parking spaces requested for district office personnel, are probably seldom used because of their proximity to residential.

Vice Chair Hall said he agrees with this denial because the residents next to this property have gone through an awful lot over the years and he saw no reason to subject them to further inconvenience.

Commissioner Egan commented that Vice Chair Hall has taken care of some of her concerns and she could not see much difference between district office and employees parking between 8 a.m. and 5 p.m. and customer parking in the same location. She said she can see Commissioner Garlich not wanting to chip away at the agreement and this is a very small item. As to the 6 a.m. opening, she felt it was unreasonable to impose that on the residents to the north. There is no reason they should bear that burden. She also felt the request for a change in hours for parking lot sweeping was also unreasonable. She said with regard to the district office employees, she would be willing to let them park closer, however, Commissioner Garlich's argument is persuasive in that the Commission should not chip away at the agreement.

Commissioner Garlich wished to say publicly that he loves the Target Greatlands store in Costa Mesa. The store is well-stocked, well-lighted, with wide aisles, and employees don't just tell you where things are, they take you there and he likes that and is glad it's in Costa Mesa. He felt this application was overreaching.

Commissioner Fisler stated that he agrees with his fellow Commissioners and when he saw the request was for 7 days a week, that's what made him feel it should be denied. In the past, he has worked in similar operations for about 12 years with a major anchor store for most of the large malls here in Southern California and is familiar with residential complaints that are generated from this particular business. He said in his experience, the day after Christmas and the day after Thanksgiving were special sale days so they had an early morning opening, but they did not extend the holiday season by some 35 straight days, which he felt was too long. He said one-day sales are great but this is too much.

The Chair called the question as shown above and explained the appeal process.

PLANNING APPLICATION
PA-05-03

Stassel/Rogers

The Chair opened the public hear for consideration of Planning Application PA-05-03 for Henry Rogers II, authorized agent for Martin J. and Kelli G. Stassel, for a variance from rear yard setback requirements (10 feet required; 3 feet proposed), to construct a patio cover behind a single-family residence, located at 421 Cambridge Circle, in an R1 zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions.

In response to a question from Commissioner Egan regarding the patio cover, Ms. Shih explained that it is attached to the house with a roofline to join the existing roof of the house. There was discussion between Commissioner Egan and Ms. Shih regarding the placement of the patio cover and its location.

Henry Rogers, 1985 Church Street, Costa Mesa, agreed to the conditions of approval.

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

MOTION 1:
PA-05-03
Failed for lack of a second

Vice Chair Hall said he was curious concerning the reasons for not enclosing the patio. He made a motion to approve by adoption of Planning Commission resolution, based on the findings in exhibit "A", subject to conditions in exhibit "B" deleting condition of approval #1 which calls for disallowing the patio to be enclosed. The motion failed for lack of a second.

MOTION 2:
PA-05-03
Approved

A motion was made by Commission Garlich, seconded by Chair Perkins and carried 5-0 to approve by adoption of Planning Commission Resolution PC-05-45, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B".

During discussion on the motion, Commissioner Garlich commented that he believed the difference between enclosing and not enclosing the patio, is that it does not go all the way to the wall leaving the possibility that someone could live in there at some future time, and by granting a setback the Commission could create a problem. Ms. Shih explained that the proposed patio cover is actually attached to the house. She said the reason for condition of approval #1 was because at this point, all exposed beams exist and it is open up to the ridge creating a more open feel as viewed from the neighboring property to the rear. He said it is staff's opinion, that if it is enclosed up to the ridge, it would create an obtrusive view.

Commissioner Fisler said he did not support Vice Chair Hall's motion because it created an intrusive view. He said he supports Commissioner Garlich's motion and felt it may even provide some

sense of privacy between the two neighbors rather than just having an open space.

The Chair explained the appeal process.

PLANNING APPLICATION
PA-05-07

Cefalia/Volbeda

The Chair opened the public hearing for consideration of Planning Application PA-05-07 for Pete Volbeda, authorized agent for Jim Cefalia, for a variance from minimum lot area requirements (12,000 square feet required; 4,455 square feet and 4,469 square feet proposed), and lot width requirements (100 feet required; 59 feet and 61 feet proposed); in conjunction with a development review for 2, two-story, 3,200 square-foot, single-family houses, located at 147 23rd Street, in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and made a presentation. He said staff was recommending denial of the variances and approval of the development review, by adoption of Planning Commission resolution, subject to conditions.

Mr. Lee stated that as far as the design of the two residences, they comply with the Residential Design Guidelines, which is why a development review is being processed for this development rather than a minor design review. They comply with architectural treatments, articulation, second floor to first floor ratios, etc. The only request subject to code deviation is for the lot size and lot width.

Mr. Lee displayed a side-by-side view of this property next to 120 and 122 Monte Vista Street properties. He said when this project went to hearing in June of last year, the Planning Commission approved that variance on the basis that the surrounding properties were already fully developed and contained a multiple family residences. As a result, this lot could not be combined with any of the surrounding properties. However, in this instance, staff was not able to make that finding because even though this property is not part of this development, there is a possibility for lot-consolidation.

In response to a question from Commissioner Fisler, Mr. Lee said this lot is 85' x 102'.

In response to a question from Commissioner Garlich regarding the adjacent property, Mr. Lee explained that the applicant made contact with the owner of this property, and they are not interested in selling at this time. Commissioner Garlich confirmed with Mr. Lee that the applicant, if he could acquire the adjacent property, could in fact build a much more dense project than this one would be in terms of units, parking, etc. Commissioner Garlich said it seems to him there are a lot of reasons why this project would be a good thing to do for Costa Mesa, i.e., provide ownership housing instead of rental property. You don't need a common-interest development if you can divide the two lots and have separate recordation of those deeds and for all these reasons, it seems like a good thing to do, but there is an ordinance that says it is not. He asked about the purpose of this ordinance. Mr. Lee said his understanding is that the reason the City became more restrictive with requirements was because whenever you have a homeowners association (2 owners), it causes a "stalemate" whenever issues of property maintenance or access issues arise. To avoid those problems, the code was amended to require common interest developments to be of 3 or more units.

In further response to Commissioner Garlich, Planning Commission Secretary Mike Robinson explained that this was also done to encourage combinations of lots in the area. He said an in-depth inventory has not been conducted to this point, but there are many substandard units on the Eastside just like this, and the idea was to set a minimum unit size for common-interest developments for the overall viability of a common-interest development. He recalled comments at public hearings in the past, where there were condominium conversions up to

18 units and members of the public felt even that was too small for a viable common-interest association. He said in this case, it would be subdivided into even more substandard lots. The reason we have smaller minimum lot size requirements in common-interest developments, is based on the fact that there may be a smaller private yard, but in common-interest developments, there is more likely to be a common recreation area in an equal amount for use by the whole project, and is one of the trade-offs for the smaller lot size.

Commissioner Egan said there doesn't seem to be any ideal solution to this project. She said one of her principal concerns is that if this application were to be granted in the form requested, that the purchasers of each of those properties might then be in a position to add a granny unit and then the City would end up with 2 ownership units and 2 rentals (4 units where there is now 1). At least with condominiums there would not be the potential for 4 units. She felt it would be difficult to make a finding that would justify deviating from the ordinance in this case. She also asked if it was right to deny the application and leave one unit on an R2 lot.

Commissioner Garlich questioned how the City code and State requirements restrict, or allow, granny units and accessory units in R2-zoned property versus R1-zoned property. Mr. Lee believed the Monte Vista property either had a condition of approval, or the requirement that a Land Use Restriction be recorded on the property that would prohibit a second unit from ever being constructed on either of those properties.

In response to a question from Commissioner Garlich, Deputy City Attorney Tom Duarte stated that if the Commission is granting a variance, it is reasonable to condition an LUR on that property.

BREAK:

The Chair called a recess and the meeting resumed at 8:12 p.m.

Pete Volbeda, representing the owner, 615 North Benson, Upland, pointed out that if it were possible to combine this lot with the adjacent lot, he would probably put the same 4-unit layout on this property, and that it would not be much different even when combined. He asked the Commission to consider these points when they make their decision.

Jim Cefalia Jr., 321 Cabrillo Street, Costa Mesa, pointed out that if the lots are subdivided they are going to be approximately 4,500 square feet each, which is larger than the 3,630 as required by code on R2 and R3 lots. Commissioner Garlich asked if they tried to buy the adjacent property. Mr. Cefalia said they had tried to buy it but it is not for sale at this point. Mr. Cefalia agreed to the conditions of approval should the project be approved.

Susan Whitlock, real estate agent for Jim Cefalia, 1061 Parkhill Drive, Costa Mesa, said she contacted the owner of the adjacent property, Mrs. Morris, who just celebrated her 100th birthday. She said she spoke with her son and daughter-in-law who live in Boulder City, Nevada. They have no interest in doing anything with the property until Mrs. Morris passes away. They will be selling the property and will keep in contact and she was hopeful the Cefalias would be able to purchase it.

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

MOTION:
PA-05-07

This original motion was approved after the substitute motion below was called.

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 3-2 (Perkins and Fislser voted no) to approve by adoption of Planning Commission Resolution PC-05-46, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modifications:

Conditions of Approval

- 12. A land use restriction executed by and between the applicant

and the City of Costa Mesa shall be recorded prior to the rec-
ordation of the parcel map. The land use restriction shall state
that no second dwelling unit shall be permitted on either par-
cel. The applicant shall submit to the Planning Division, a
copy of the legal description for the property, and either a lot
book report or current title report identifying the current legal
property owner so the document may be prepared.

Findings

Replace finding "A" as follows:

- A. The information presented complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variances from lot size and lot width requirements. Strict application of the zoning ordinance would deprive the property owners of the privileges enjoyed by other owners of other property in the vicinity under identical zoning classifications. Specifically, the property provides 2 single-family units with home ownership opportunities. The property also provides an open space plan that exceeds the requirement by 7% (42% required).
- B. *Same.*
- C. ~~The proposed project exclusive of the variances from lot size and lot width discussed in Finding A,~~ complies with Costa Mesa Municipal Code Section 13-29(e) because: ...
- D. *Same.*
- E. *Same.*

During discussion on the motion, Commissioner Garlich stated that there are all sorts of reasons that approving this project seems like the good thing to do. It also seems that the reason staff was more or less required to make the finding of denial, was based on the ordinance of 12,000 square-feet. He said there is a lot room within that ordinance to question whether it rises to the level of denial of this application. He said it sounds that the intent to encourage lot combinations is not a mandate to require them in all cases, particularly when it may be difficult to do so. It also seems to be aimed at creating a lot size that would allow 3 units to allow a common-interest development, and in many respects, this project will be better than that since there will be no need for common areas, and there will be single ownership of homes, which otherwise could be built and rented anyway; the City does not want rentals, but rather ownership homes. The project will also have 49% open space against the 40% open space requirement.

SUBSTITUTE MOTION:
PA-05-07
Failed

A motion was made by Chair Perkins, seconded by Commission Fisler and failed to carry by 2-3 (Garlich, Egan and Hall voted no), to go with staff's recommendation to approve the development review but deny the variance.

During discussion on the motion, the Chair said he felt this should be the in the hands of City Council. The City Council has put together what they feel is the minimum lot size requirement to do a project like this. He said they make the rules, the Commission enforces the rules. He said he believes staff's recommendation is completely adequate. Having heard from the real estate agent who said the property would be up for sale very soon, no guarantees that the applicant will obtain the property, but it could be so, and he felt that was a better solution. In this case, although it would be dense, there would be more common lot; it may not end up as the best project, but we have a guideline. He said Commissioner Egan mentioned earlier that this was almost a "catch 22" scenario in the sense that here we have a guideline, we have possibly a good-

looking project but we're not meeting the specific guideline.

Vice Chair Hall asked the Commission to look at the density and the General Plan which requires one dwelling unit per 3,630 square feet while the proposed project provides one unit per 4,455 sq. ft. and 4,469 sq. ft. This is almost 1,000 square feet more than the requirement. He said Commissioner Garlich brought up owner-occupied and rental housing, and we probably have one of the highest percentages of rental housing in the County, therefore, owner-occupied is preferable and proposed in this instance. The finding about the fact that the lot to the west, if combined with this one, would make a better project; if you bought all the property on the entire project, the project would be bigger. The Commission cannot base its decisions on "what if" the property to the west is available in the near future. He said he saw no reason to deny a good project such as this, which has more square-footage of land than is required, more open space, and meets all the setback requirements and gives an opportunity for home ownership within our City.

The Chair disagreed and concluded again that there are guidelines.

Vice Chair Hall said that according to staff's evaluation of this project, it is perfectly legal to build these 2 units on this piece of property, exactly as they are shown, and, they can be rental units. The only thing that is different is that they are going to be sold and if that's the deciding factor, that we would rather have rental units than give someone an opportunity to own, then it is not a good thing. It is well known that maintenance for owner-occupied properties is consistently better than rental units.

Commissioner Egan said her second was based on her preference to have 2 units for sale than 2 rental units, or 1 for sale and a rental unit. She said the provision for a land use restriction that would preclude second units on the property set aside that concern in Commissioner Garlich's motion. She asked that staff clarify the purpose of the 12,000 square-foot minimum lot size. Mr. Robinson stated that as Mr. Perkins indicated, it was a positive decision from the City Council to try to encourage lot combinations. A combination of lots allows more flexibility in design on site, reduces the amount of driveways you have on properties, etc. Commissioner Egan said she felt that purpose would not be carried out by denial of this application and what will happen instead, is that we get 1 or 2 rental units; the other lot is not currently available and the developer won't stand still. She said with all the options available to the Commission, approving the application is what is best for the neighborhood and the City of Costa Mesa.

Commissioner Fisler said he supports the Chair's motion because he didn't see any findings for a variance at this point, and secondly, there is the option of one single-family home built on this lot. He said there are many single-family homes that have 8,000 square foot lots and this could be a highly sought after piece of property. He said he is a realtor, and did not believe the rental units would be viable, but he did believe that the property could be sold for \$1.5 million.

Commissioner Hall suggested the substitute motion be called without further analysis.

The Chair called the substitute motion as shown above.

Commissioner Garlich suggested the original motion be called.

The Chair called the original motion as shown above.

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:

None.

**REPORT OF THE CITY
ATTORNEY'S OFFICE:**

None.

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 8:45 p.m. to the Planning Commission meeting of Monday, July 25, 2005.

Submitted by:

R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION