

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
April 23, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., April 23, 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 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. R. Michael
Robinson

Deputy City Attorney Tom Duarte
City Engineer Ernesto Munoz
Principal Planner Kimberly Brandt
Senior Planner Mel Lee
Assistant Planner Hanh Nguyen
Assistant Planner Rebecca Robbins

III. [MINUTES: Minutes for the meeting of April 9, 2007](#)

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. [CONSENT CALENDAR:](#)

1. [A resolution of the Planning Commission of the City of Costa Mesa finding that the proposed 2007-08 Capital Improvement Program is in conformity with the City of Costa Mesa 2000 General Plan. Environmental determination: exempt.](#)

MOTION: Adopt Planning Commission Resolution PC-07-32 finding that the proposed 2007-08 Capital Improvement Program is in conformity with the City of Costa Mesa 2000 General Plan.

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.

VII. PUBLIC HEARINGS:

1. From the meeting of April 9, 2007, 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 responded to questions from the Commission relating to project density, garages, and permits.

Barry Saywitz, applicant, Newport Beach, gave a detailed presentation and provided additional information to the Commission.

Mr. Saywitz responded to Commissioner Righheimer's questions relating to his intention for reroofing, a non-permitted shed, garages, and parking enforcement. There was a detailed discussion between Commissioner Righheimer and Mr. Saywitz concerning Mr. Saywitz' property management company and the responsibilities of that company concerning parking enforcement. The Director of Management for Mr. Saywitz' property management company came to the podium to answer parking enforcement questions.

Commissioner Egan commented that approval of this project will increase the landscaping and vastly improve the property.

Mr. Saywitz explained his intention and goals for this project. No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Planning Application PA-06-78 and Tentative Tract Map T-17142 based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the addition of the improvements listed in Mr. Saywitz' letter dated April 19, 2007. Motion made by Commissioner Egan and seconded by Commissioner Clark.

Commissioner Clark agreed with Commissioner Egan and asked if wording could be added to the motion that the sewer be inspected and repaired or replaced, if necessary. Commissioner Egan accepted the additional wording.

Vice Chair Fislser stated that he was not supporting the motion. He had concerns about nonconforming density, parking, open space, and front setback. Deputy City Attorney Tom Duarte explained the legal, nonconforming front setback to the Vice Chair and Planning Commission Secretary Mike Robinson added that the nonconforming front setback was the result of a street widening and not due to the fault of the property owner.

Commissioner Rigueimer discussed some issues; said he was not supporting the motion; and amended the motion with a substitute motion including additional conditions.

MOTION: Approve Planning Application PA-06-78 and Tentative Tract Map T-17142, by adoption of Planning Commission Resolution PC-07-33, based on evidence in the record and findings contained in Exhibit "A", subject to the conditions set forth in Exhibit "B", with the addition of the following conditions:

Conditions of Approval

- 27. All improvements listed in the letter submitted by the applicant dated April 19, 2007 shall be completed under the direction of the Planning staff.**
- 28. The applicant shall inspect and replace the sewer, if necessary.**
- 29. 100 amp electrical service panels shall be**

provided for the project.

30. Separate gas, electrical, and water meters for each unit shall be provided, if allowed by the affected utility company.

31. The applicant shall remove the two front units along Victoria Street (577 A and 579 A Victoria Street), and Unit F at the rear of the property, to provide additional open space and parking spaces (three parking spaces per unit minimum) for the ownership units.

32. Exterior walls shall be insulated.

33. Firewalls between garages and units shall comply with current codes.

34. Roll-up doors shall be provided for all garages with remote control units provided.

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

The Chair and Deputy City Attorney Tom Duarte discussed the legal responsibilities relating to the inadequate front setback and removing two front units.

Commissioner Righeimer explained how removing the front two units relates to the open space requirements and referenced Zoning Code sections 13-41 and 13-42.

Commissioner Egan reviewed with Commissioner Righeimer all of the additional conditions of the substitute motion. Mr. Robinson mentioned to Commissioner Egan that many of these conditions are standard conditions of approval and are requirements of building inspection reports.

The Chair stated that the removal of the three units is the main difference between the two motions. The Vice Chair also noted that the condition of the electrical panels is another difference.

The Chair asked for clarification from Mr. Saywitz about the existing electrical service and Mr. Saywitz said the service was at 70 amps, but the new power panels will be 100 amps. He mentioned that the roll-up doors, sewer inspection, and washer/dryer placement are non-issues, but separate water

meters have not been a requirement and are not necessary.

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.

The Chair called a recess and resumed the meeting at 8:19 p.m.

The Chair asked the Commission members if there were any objections to moving Public Hearing Item No. 5 before Item No. 2, per the applicant's request, and there were no objections.

5. [Parcel Map PM-07-115, for Esam Rostom, authorized agent for Greg and Kimberly Burghardt, for a parcel map to facilitate a 4-unit residential common interest development, approved under PA-06-33, located at 1838 Pomona Avenue and 695 Center Street, in an R2-HD zone. Environmental determination: exempt.](#)

Assistant Planner Hanh Nguyen reviewed the information in the staff report and there were no questions of staff.

Esam Rostom, applicant, Orange, did not give a formal presentation. There were no questions of Mr. Rostom and no one wished to speak. The Chair closed the public hearing.

Commissioner Clark mentioned that he went by the property and thanked the applicant for improving the properties.

MOTION: Approve Parcel Map PM-07-115, by adoption of Planning Commission Resolution PC-

07-34, 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: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark
Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

Commissioner Righeimer complimented the applicant for the project.

The Chair asked, as Vice Chair Fisler recommended, the Commission members if there were any objections to moving Public Hearing Item No. 3 before Item No. 2 and there were no objections.

3. [Extension of time for Planning Application PA-06-01, for Matt Harty and Scott Trestik, for variances from front building setback requirements, street landscape/fence/wall setback requirements, private open space requirements, and to have the common driveway included in the individual lots to satisfy minimum lot area requirements, in conjunction with a design review for a 4-unit, 2-story common interest development, located at 2378 and 2380 Norse Avenue, in an R2-MD zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and noted the correct Findings were listed on Page 27. There were no questions of staff.

Scott Trestik, applicant, Costa Mesa, did not give a formal presentation. There were no questions of Mr. Trestik and no one wished to speak. The Chair closed the public hearing.

**MOTION: Approve Extension of Time for Planning Application PA-06-01 to March 27, 2008, by adoption of Planning Commission Resolution PC-07-35, 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: Chair Donn Hall, Vice Chair James Fisler, Commissioner Sam Clark
Commissioner Eleanor Egan, and Commissioner James Righeimer
Noes: None.
Absent: None.

2. [Review of Planning Staff’s Zoning Approval for a second-story addition to a single-family residence, located at 1984 Continental Avenue, in an R1 zone. Environmental determination: Exempt.](#)

Assistant Planner Rebecca Robbins reviewed the information in the staff report and there were no questions of staff.

Heidi Hernandez, applicant’s daughter, Costa Mesa, did not give a formal presentation. She noted to Commissioner Righeimer that they have owned the property since 1997.

John Linnert, Costa Mesa; Greg Benedict, Costa Mesa; Doug Confer, Costa Mesa; Susanne Confer, Costa Mesa; Cynthia Breatore, Costa Mesa; and Hande Meissner, Costa Mesa; all expressed their opposition to the project.

Heidi Hernandez returned to the podium and explained further about their opportunity to expand their home. There were no other questions of Ms. Hernandez and the Chair closed the public hearing.

MOTION: Reverse Planning staff's approval of a 2,434 square-foot, second-story addition to an existing one-story, single-family residence located at 1984 Continental Avenue, by adoption of Planning Commission Resolution PC-07-36, on the basis (Findings) as follows:

FINDINGS

A. The proposed addition does not substantially comply with Costa Mesa Municipal Code Section 13-29(e) because:

1. The proposed addition is not compatible and harmonious with the surrounding properties and is too large in scale.

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

Commissioner Egan commented on why she supports the motion and Vice Chair Fisler said he also supports the motion.

SUBSTITUTE MOTION: Redirect applicant to come back with a plan at 60% of the lot size and a three-car garage.

Moved by Commissioner Righeimer, but the motion died for lack of a second.

The Vice Chair, Commissioner Egan, and Commissioner Righeimer made comments about the project size.

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.

4. [Planning Application PA-06-79 and Tentative Tract Map T-17132, for Ed Santa Cruz, authorized agent for 309 Monte Vista](#)

Avenue LLC, for a residential common interest development conversion of a two story, 8-unit apartment complex with a tentative tract map to facilitate the conversion, located at 309 Monte Vista Avenue, in an R2-MD zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and noted that this application was submitted prior to the 45-day moratorium on condominium conversions.

Mr. Lee explained to Vice Chair Fislser about the parking spaces, setback, and rear lot coverage being legal nonconforming.

Edward Santa Cruz of GDA Architecture & Planning, applicant, Gardena, gave a presentation and answered Commissioner Righeimer's questions.

The Chair read the comments of Ellie Shobe, Costa Mesa, opposing the project.

Mr. Cruz returned to the podium and explained more about the project.

The Chair and City Engineer Ernesto Munoz discussed the conditions of approval and Mr. Cruz agreed to the conditions. No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve Planning Application PA-06-79 and Tentative Tract Map T-17132 with the following additional conditions of approval:

Conditions of Approval

1. New roofs shall be added to both buildings.
2. Any garage doors to the carports shall be removed to leave the carports open, not enclosed.
3. All utilities (electrical, phone, cable) shall be undergrounded for both buildings.
4. The front enclosed patio shall be pushed back two feet from the front and concrete bollards shall be placed at the wood posts.

Motion made by Commissioner Righeimer, seconded by Vice Chair Fislser.

The Chair, Commissioner Righeimer, and Mr. Cruz discussed the additional conditions, specifically the front patio being pushed back and the feasibility of undergrounding existing utility lines. Commissioner Righeimer mentioned that Southern California Edison must absolutely say that undergrounding is not feasible for this condition not to be required by the applicant.

The Chair, Commissioner Righeimer, and Mr. Robinson discussed using the "feasibility" wording for undergrounding utilities as a standard condition for future items and the Chair said this will need to be a separate agenda item. Mr. Cruz agreed to the additional conditions.

Commissioner Clark and Mr. Lee discussed Condition No. 18.

Mr. Lee explained front open space with Commissioner Egan and she said she would not be supporting the motion, but would be making a substitute motion.

MOTION: Deny Planning Application PA-06-79 and Tentative Tract Map T-17132, by adoption of Planning Commission Resolution PC-07-37, on the basis (Findings) as follows:

Findings

A. The information presented does not substantially comply with Costa Mesa Municipal Code Section 13-29(e) in that:

1. The project is not compatible and harmonious with the existing developments and uses in the general neighborhood. Specifically, the project is very nonconforming to the City's General Plan and R2-MD zoning designation with respect to population density, having nearly twice the maximum density allowed under the current General Plan and Zoning Code (1 dwelling unit for every 3,630 square feet of lot area allowed; 1 dwelling unit for every 1,865 square feet of lot area existing). The property is also severely deficient with current development

standards for site landscaping and number of on-site parking spaces (24 parking spaces allowed; 14 parking spaces existing), as well as overall open space (40 percent minimum allowed; 25 percent existing). Paved parking spaces are located within the front landscape setback visible from the street, rear yard lot coverage paving and building areas exceed the minimum allowed under code (50 percent allowed; 100 percent existing), and the private open spaces provided for the project consist of concrete slabs. The design of the project is not consistent with the City's Residential Design Guidelines for two-story buildings. Although the design guidelines apply to new two-story developments, it is relevant to the consideration for the proposed conversion of the project from rental apartments to owner-occupied dwellings. The project consists of stacked flats in plain stucco buildings, unrelieved by any architectural features except for plain doors and windows. Additionally, the exterior staircases give the units a motel-like appearance consistent with rental apartments rather than owner-occupied dwellings, especially considering the nonconforming code issues noted above. Finally, the project's apartment-like characteristics and lack of aesthetic appeal are likely to discourage owner occupancy, defeating the purpose of promoting home ownership as encouraged through conversions to common interest developments.

B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(10) in that the Zoning Code establishes a "critical vacancy rate" of 3% as the threshold for discouraging conversion of apartments to common interest developments. When the citywide rental vacancy rate is 3% or less, the Planning Commission may deny any requested conversions. The 2000 census data indicates the City's rental vacancy rate is 2.8%.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City

environmental procedures, and has been found to be exempt from CEQA under Section 15301 (Existing Facilities).

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

Vice Chair Fisler voiced his concerns about this project; Commissioner Egan stated why she made her motion; and Commissioner Clark said he was not supporting the original motion.

The motion carried by the following roll call vote:

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

Noes: Commissioner James Righeimer

Absent: None.

The Chair explained the appeal process.

6. **Rezone R-07-03 for a city-initiated rezone of a 1.2-acre property from R1 (Single-Family Residential) to I & R (Institutional and Recreational), located at 261 Monte Vista Avenue. Environmental determination: exempt.**

Planning Commission Secretary Mike Robinson reviewed the information in the staff report and there were no questions of staff.

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

MOTION: Adopt Planning Commission Resolution PC-07-38, recommending that City Council give first reading to ordinance approving Rezone R-07-03.

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.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Planning Commission Secretary Mike Robinson noted that the Planning Division Open House is on Monday, May 14, 2007.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

The Chair was about to adjourn the meeting when Lisa DeSutter, Costa Mesa, came forward to the podium to ask about the facilities to be demolished. City Engineer Ernesto Munoz and the Chair explained that this item will be discussed at a future meeting.

X. AJOURNMENT TO THE MEETING OF MONDAY, MAY 14, 2007.

There being no further business, Chairman Hall adjourned the meeting at 9:32 p.m. to the Planning Commission meeting of May 14, 2007.

Submitted by: _____
R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION