

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
June 11, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., June 11, 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 Egan 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 Christian Bettenhausen  
City Engineer Ernesto Munoz  
Transportation Services Manager Peter  
Naghavi  
Building Official Khanh Nguyen  
Principal Planner Kimberly Brandt

Senior Planner Mel Lee  
Associate Planner Wendy Shih  
Assistant Engineer Dennis Johnson

III. **MINUTES: Minutes for the meeting of May 29, 2007**

The Chair approved the minutes as distributed.

IV. **PUBLIC COMMENTS:**

Martin Millard, Costa Mesa, mentioned his concerns about the Westside bluffs and encouraged home building in that area.

Dyson Worth, Costa Mesa, began to speak about condo conversions and the Chair suggested he wait until the time for public comments for that particular item before speaking.

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

Commissioner Righeimer noted that there is an Open House on June 23, from 5:00 p.m. to 9:00 p.m., at 535 Bernard Street, hosted by the Westside Business Culture/1.7 Ocean group.

Commissioner Egan congratulated Planning staff for the awards they received at the annual awards program of the Orange County Section of the American Planning Association.

VI. **PUBLIC HEARINGS:**

1. [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.

Principal Planner Kimberly Brandt reviewed the information in the staff report and said staff is recommending that the Planning Commission recommend to City Council that the ordinance be given first reading. She said the Commission may defer their decision on this detailed ordinance to another meeting or wish to first have a study session. She noted that Building Official Khanh Nguyen, who helped draft this ordinance, is here to answer any questions. There were no questions of staff.

Martin Millard, Costa Mesa, made a comment about conversions from industrial to mixed-use.

Ms. Brandt noted to the Chair that the "mixed-use" provision is included in the ordinance.

Russ Cramm, Costa Mesa, noted his letter to the Commission today; and spoke about 40-year threshold restrictions, parking issues with 50-foot wide lots, second curb cuts, and property values being affected.

Robin Leffler, Costa Mesa, spoke about commercial condominiums and long-term maintenance considerations.

Dyson Worth, Costa Mesa, spoke about the 40-year threshold and a higher density overlay zone designation.

Harvey Berger, Newport Beach, referenced the 40-year threshold, standards for older buildings, and the high cost of individual water meters.

Commissioner Clark suggested that this item deserves further review and should not be voted on tonight, and made a motion.

MOTION: Continue to the Study Session of Tuesday, June 26, 2007, at 6:30 p.m., in Conference Room 1-A, and then to the regular meeting of Monday, July 9, 2007.  
Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.

During discussion on the motion, Planning Commission Secretary Mike Robinson noted that Conference Room 1-A is already booked for June 26, but the study session could take place at another location at City Hall.

**MOTION: Continue to the Study Session of Tuesday, June 26, 2007, at 6:30 p.m., at City Hall, and then to the regular meeting of Monday, July 9, 2007.  
Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.**

Vice Chair Fisler mentioned the 40-year threshold and Commissioner Righeimer made comments about the Westside needing additional home ownership.

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. [From the meeting of May 14, 2007, Request by Barry Saywitz for Barry Saywitz Properties Two LP, for a rehearing of PA-06-78/T-17142, consisting of a residential common interest development \(condominiums\) conversion of 12 apartment units with a tract map to facilitate the conversion located at 577 and 579 Victoria Street. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and said staff recommends that the Commission determine whether sufficient evidence

exists to warrant a rehearing. He noted that the Commission will consider the applicant's request and their determination is final. There were no questions of staff.

Barry Saywitz, applicant, Newport Beach, noted that he had no opportunity to respond to the additional conditions of approval prior to the vote being made on April 23, or how the conditions would affect the parking situation and him financially.

Vice Chair Fisler and Mr. Saywitz discussed the timing of the conditions. No one else wished to speak and the Chair closed the public hearing.

**MOTION: Grant the request for a rehearing of Planning Application PA-06-78 and Tentative Map T-17142 for the meeting of Monday, July 9, 2007.**

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

During discussion on the motion, Commissioner Righeimer expressed his concerns as to why there should not be a rehearing.

Commissioners Egan and Clark noted their reasons for granting the rehearing.

Vice Chair Fisler spoke about the inadequate parking and said he voted on April 23 to approve the application with the three units removed.

Commissioner Righeimer asked for the Deputy City Attorney's opinion if financial ability is relevant evidence and grounds for a rehearing. A discussion ensued between the Chair and Commissioner Righeimer. Deputy City Attorney Christian Bettenhausen stated that financial ability is potential grounds for a rehearing.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Commissioner Sam Clark, and Commissioner Elea

Egan

Noes: Vice Chair James Fisler, and Commissioner James Righeimer

Absent: None.

3. Planning Application PA-06-69, for Tim Johnson, authorized agent for Keith Scheinberg, for a design review to construct a 2-unit, 2-story residential common interest development (condominiums) not meeting the recommended 10-ft. average side setback (5-ft. minimum proposed) and 80% second to first floor ratio (105% and 112% proposed), with a variance from driveway parkway landscaping (10-ft. combined width required; 3 ft. to 7 ft. combined width proposed), located at 285 E. 16th 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 recommends approval by adoption of Planning Commission resolution, subject to conditions. Ms. Shih answered questions relating to the rear unit.

Keith Scheinberg, owner, did not give a formal presentation. Commissioner Egan and Mr. Scheinberg discussed adding a condition for landscaping to provide privacy, and Commissioner Clark and Mr. Scheinberg discussed the second floor ratio.

David Conway, the neighbor to the rear of the property, asked that the rear window of the master bedroom be smaller and suggested a tree would help for privacy concerns.

Mr. Scheinberg returned to the podium and noted that this project would be consistent with others in the area. He said he could accommodate the request for landscaping.

The Chair asked Commissioner Egan for the wording of the additional condition she proposes to provide privacy for the neighbor. Commissioners Righeimer and Egan discussed the neighbor's privacy concerns. The Chair suggested

that staff work with the property owner relating to this issue and Commissioner Egan and Mr. Scheinberg agreed.

**MOTION: Approve Planning Application PA-06-69, by adoption of Planning Commission Resolution PC-07-45, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in Exhibit "B", including the following additional condition:**

**Conditions of Approval**

**20. The applicant shall work with staff to establish the appropriate landscaping to protect the privacy in the bedroom and bathroom of the adjacent property to the south.**

**Moved by Vice Chair James Fisler, seconded by Commissioner Eleanor Egan.**

During discussion on the motion, Commissioner Clark said he would not be supporting the motion due to the size of the second story, and Commissioner Righeimer gave his support for the motion.

The motion carried by the following roll call vote:

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

Noes: Commissioner Sam Clark

Absent: None.

4. [Planning Application PA-07-01 and Zoning Application ZA-07-23, for Total Real Estate Development, authorized agent for C.J. Segerstrom and Sons, for a conditional use permit to construct an approximately 20,470 square foot automotive dealership \(Carmax Auto Superstore\) on the former Wickes Furniture Store site in conjunction with a variance from maximum building height \(30 feet allowed; 41 feet proposed\).](#)

**an administrative adjustment to reduce landscape setback along a portion of Gisler Avenue (15 feet required; 10 feet proposed) and a Planned Signing Program, located at 3200 Harbor Boulevard in a C1 zone. Environmental determination: Mitigated Negative Declaration.**

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff is recommending approval of the project subject to conditions of approval and mitigation measures and the modifications in the Supplemental Memo dated June 7. He noted some of the conditions and mitigation measures, including the illuminated sign facing Gisler Avenue being replaced by a smaller non-illuminated sign is recommended, as well as three driveway approaches allowing right-turns out only. Mr. Lee answered questions of the Commission relating to the signs and stated that staff will respond to questions concerning the negative declaration during public comments.

In reply to a question from Commissioner Clark about Condition of Approval No. 38 on medians, Transportation Services Manager Peter Naghavi noted that left turns would not change out of the motel. Mr. Naghavi provided drawings and stated that the residents' needs will be taken care of.

Paul Freeman, representing C.J. Segerstrom & Sons, spoke and gave a presentation noting that they have met with the French Quarter Homeowner Association to discuss noise and lighting concerns and believes this project is the best use of the property in a challenging location.

Mark Bell, representing Carmax, gave a presentation and noted that they are a Fortune 500 company. Mr. Bell agreed to the conditions of approval and the supplemental memo with additional conditions.

Mike Brumbaugh, President of Halecrest and Hall of Fame Homeowners Association, said he was pleased with the response of C.J. Segerstrom &



Sons and Carmax, but still has safety concerns and further improvements are needed.

Darnell Wyrick, President of the Mesa Verde Community, Inc. Board of Directors, said he supports the project if all the conditions are met.

Derrick Lake, French Quarter Homeowners Association, stated many concerns including signage, the elimination of any trucks east of the project, and to highly restrict deliveries.

Chuck Ropp, Hall of Fame resident, agreed with the previous speaker and was concerned about noise, lighting, possibly putting in a cul-de-sac.

Gerry Grant, Costa Mesa, spoke about sound mitigation, landscaping, suggesting a berm, and said this item should be postponed.

Stephanie Callen, French Quarter resident, had several concerns including clarifying the mitigation measures, and the property values being affected.

Miriam Kerr, French Quarter resident, noted her concern about air pollution.

David Kinkade, Costa Mesa, mentioned that most concerns have been addressed, and a balance has been reached.

Julie Crawford, Costa Mesa, said she lives across from the proposed project and is concerned about property values, and the delivery trucks staying on Harbor Boulevard.

Michael Beringer, Costa Mesa, said he was opposed to the project and noted concerns about property values, noise, traffic, air pollution, speeding, and an above-ground gasoline tank.

Maureen Gass, Costa Mesa, expressed concerns regarding speeding, lighting, and noise issues.

Matt West, French Quarter homeowner, asked why he had not received a response from his letter dated

today, June 11. He was concerned about noise, traffic, and environmental issues.

Robin Leffler, Costa Mesa, returned to the podium and spoke about property values.

Gerry Grant returned to the podium and reiterated that this item should be postponed.

Cindy Brennerman, Costa Mesa, mentioned her concerns for the safety of children.

Arlene Jones, Costa Mesa, stated her concerns for the neighbors backing up to this project.

The Chair called a brief recess at 9:21 p.m. and the meeting resumed at 9:32 p.m.

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

Mr. Lee noted that Tom Holm of Michael Brandman Associates prepared the Negative Declaration and Mr. Holm provided responses to the issues raised in Mr. West's letter, including project noise, the carwash facility, and other noise issues. He noted that the noise impacts to the surrounding residents would be within the limits established by City Code.

Jose Viray, Noise Consultant for Michael Brandman Associates, discussed the subject of noise and the number of decibels reiterating that, based on their analysis, the noise impacts to the adjacent residents would be within the limits established by City Code.

Mr. Naghavi explained to the Chair that the median and driveway design for the project minimizes traffic impacts and truck deliveries.

Mr. Holm continued to speak on the location of service garage doors, idling trucks, fuel dispensing, and the Water Quality Management Plan.

Mr. Lee responded to questions from Commissioners Clark and Egan relating to the wall design for the French Quarter homes.

Mr. Naghavi and Mr. Robinson discussed noise levels with Vice Chair Fisler and Commissioner Righeimer.

City Engineer Ernesto Munoz noted that, subject to available funding, the Gisler Avenue street repair would be a priority.

The Chair and Mr. Munoz discussed drainage and the Chair and Mr. Bell discussed the number of car spaces and the carwash.

Mr. Lee explained to the Chair about the hours of construction and a 10-month construction period was noted. Mr. Naghavi suggested to Commissioner Clark that the delivery times be changed for the morning hours on Saturdays. Mr. Munoz noted to Commissioner Clark the estimated overlay costs for Gisler Avenue.

Commissioner Clark suggested that the applicant/Carmax pay for the street repair work on Gisler Avenue. Mr. Bell noted to Vice Chair Fisler that the demolition of the current building would last approximately 30 days. Mr. Bell made some closing comments.

Vice Chair Fisler said he was in favor of this project and made a motion.

**MOTION:** Adopt the Mitigated Negative Declaration and approve Planning Application PA-07-01 and Zoning Application ZA-07-23, by adoption of Planning Commission Resolution PC-07-46, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in Exhibit "B" and Mitigation Measures in Exhibit "C", in addition to modifying Condition No. 19 of Exhibit "B" to restrict the delivery hours for vehicle delivery and off-loading to 9:00 a.m. to 5:00 p.m., Monday through Saturday, and an additional condition that the applicant discuss with staff the possibility of paying

for the street repair work on Gisler Avenue.  
Moved by Vice Chair James Fisler, seconded by  
Commissioner Eleanor Egan.

As Commissioner Egan seconded the motion, she noted that the supplemental information memo dated June 7 should be added in the motion, and Vice Chair Fisler agreed. During discussion on the motion, Commissioner Clark asked that the construction hours be adjusted and Vice Chair Fisler replied that he would not change the hours. Commissioner Clark asked if the applicant could be responsible for paying street repair costs and Commissioner Righeimer replied that he was in favor of the motion, but not for the applicant paying the street repair costs. Commissioner Egan agreed with Commissioner Righeimer and Mr. Robinson noted that the applicant is required to repair the street to the condition it was prior to the start of the project. Mr. Munoz mentioned the costs for the levels of street improvements.

Mr. Freeman discussed with the Chair that it would be an unreasonable request to ask for payment to repair Gisler Avenue. The Chair and Vice Chair Fisler agreed to eliminate the condition regarding possibly paying for the street repair of Gisler Avenue from the motion wording and Commissioners Egan and Clark also agreed.

**MOTION: Adopt the Mitigated Negative Declaration and approve Planning Application PA-07-01 and Zoning Application ZA-07-23, by adoption of Planning Commission Resolution PC-07-46, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in Exhibit "B" and Mitigation Measures in Exhibit "C", and subject to the modifications indicated in the supplemental information memo dated June 7, 2007, in addition to modifying Condition No. 19 of Exhibit "B" to restrict the delivery hours for vehicle delivery and off-loading to 9:00 a.m. to 5:00 p.m., Monday through Saturday.**

**Moved by Vice Chair James Fisler, 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.

5. [Planning Application PA-07-06, for Bahman Bahrami, for a design review to construct a 2-unit, 2-story detached, residential common interest development \(condominiums\) that does not meet the Residential Design Guidelines for second to first floor ratio \(80% maximum recommended; 82% proposed for Unit A\), with a variance from driveway parkway landscaping requirements \(10-ft. combined width required; 3-ft. combined width proposed\), located at 150 Rochester Street, in an R2-HD zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih reviewed the information in the staff report and said staff recommends approval by adoption of Planning Commission resolution, subject to conditions. Ms. Shih answered a question concerning garage use.

Bahman Bahrami, applicant, asked about Condition of Approval No. 2 regarding the size of the window; he said he would like it to be regular size and requested elimination of Condition of Approval No. 2.

Ms. Shih explained to Commissioner Egan about the rear unit and its 8-foot side setback.

There were no further questions of the applicant. The applicant's adjacent neighbor, Ed Spruill, said he had no objection to the second floor window. No one else wished to speak and the Chair closed the public hearing.

**MOTION: Approve Planning Application PA-07-06, by adoption of Planning Commission Resolution No. PC-07-47, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B", with the removal of Condition No. 2 from Exhibit "B", and the inclusion of an additional finding in Exhibit "A", as follows:**

**Findings**

**F. The setback relating to the "bedroom 2" windows on the west elevation is sufficient to provide a reasonable degree of privacy to the neighbor. Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.**

At the time Commissioner Egan seconded the motion, she also proposed a finding to be added to that motion. Commissioner Clark agreed to the additional finding.

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.**

None.

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

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, JUNE 25, 2007.**

There being no further business, Chairman Hall adjourned the meeting at 11:01 p.m. to the Planning Commission meeting of Monday, June 25, 2007.

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