

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

**August 28, 2006**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., August 28, 2006 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Bill Perkins, followed by the Pledge of Allegiance to the Flag.

**ROLL CALL:**

Commissioners Present:

Chairman Bill Perkins  
Eleanor Egan  
James Fisler  
Bruce Garlich

Commissioners Absent:

Vice Chair Donn Hall

Also Present: Kimberly Brandt, Acting Secretary  
Costa Mesa Planning Commission  
Harold Potter, Assistant City Attorney  
Fariba Fazeli, Senior Engineer  
Mel Lee, Senior Planner  
Wendy Shih, Associate Planner

**MINUTES:**

The minutes for the meeting of August 14, 2006 were accepted as corrected.

**PUBLIC COMMENTS:**

John Hawley, 1942 Balearic Drive, Costa Mesa, representing business and property owners of the Westside, stated that at the last meeting a citizen raised concerns regarding Westside industrial property owners, and members of the WRA, trying to reverse or modify the Westside Overlay process. He assured the Commission and the citizens that they had absolutely no intention of doing that and said they deeply appreciate the efforts made on the overlay issue. He said their support for any political candidate will be based on the well-being of Costa Mesa, but they will be paying particular attention to their hopes that they will uphold the current overlay as it is written because it is beneficial. He said there is no effort being made to modify the overlays.

**PLANNING COMMISSION  
COMMENTS/SUGGESTIONS:**

Commissioner Egan thanked Mr. Hawley for his remarks regarding the overlay.

Commissioner Garlich announced the Annual Festival of Children at South Coast Plaza throughout September. He encouraged everyone to attend.

Commissioner Fisler announced the City's Residential Remodeling Incentive Program (RRIP) beginning on September 5, 2006 through December 15, 2006 for home improvements with the cost of City permit fees waived during that time period. He said to qualify, homes must be 5 years or older.

**PUBLIC HEARINGS:**

PLANNING APPLICATION  
PA-06-30

Ershaghi/Espabhodi and Hamedanai

The Chair opened the public hearing for consideration of Planning Application PA-06-30 for Sean Espabhodi and Hootan Hamedani, authorized agents for Maryam Ershaghi, for a design review to construct three, 2-story dwelling units and to allow a maximum 25 ft.-6 inch height for a flat-roofed design (22 ft. recommended), located at 170 E. 18<sup>th</sup> Street, in an R2-HD 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.

Commissioner Egan explained that the guidelines specify a limit of 22 feet in height for a flat-roof building. She said this building exceeds that guideline by 6 inches which she considers insignificant; however, the decorative elements are exceeded by a couple feet. She said if the Commission does not find something about this property indicating the

guidelines do not fit this situation, in order to approve it, the Commission should be looking at revising the guidelines. She asked Mr. Lee if the problem is the guideline or if there something unique about this project that makes the guideline inapplicable to this extra couple of feet.

Mr. Lee said the maximum building height for slope-roof structures and any deviations from the building height for slope-roof structures, would actually require a variance and necessary findings made by the Planning Commission. In this instance, because the maximum height for flat-roofed structures is not actually specified as a code requirement, but as a design guideline, there is some additional flexibility that staff used in evaluating this project, and the Planning Commission has the discretion based upon the merits of the design of this particular project. It would not be necessary to revise the design guidelines in order to approve this project, however, the Commission does have the discretion to determine whether they feel the design itself is in keeping with the spirit of those guidelines, which in staff's opinion, it does.

Commissioner Garlich stated that the elements being looked at are the architectural elements that exceed 22 feet. He offered that a gabled or sloped roof has a limitation of 27 feet, and a 27-foot flat-roofed house would have the appearance of a very large box. He felt that the lower height with the absence of the sloping roof tends to mitigate that, and given that, he did not believe the architectural elements which make the building look more attractive, work in opposition to that concept, but rather complements it in making the overall appearance of the building look better. He said he was not sure that architectural elements that exceed the 22 feet are necessarily at odds with the building height and he was comfortable with that.

Commissioner Fisler requested that Mr. Lee review the parking element of 12 spaces required and the 12 that will be provided. Mr. Lee stated that the eventual intent is to file a map to make these individual ownership units. If that is the case, the driveway leading to the enclosed 2-car garage, acts to provide the available parking requirement for guests, similar to a single family detached residence. He said based upon the number of units proposed, and the number of bedrooms for each unit, the number of parking spaces they are proposing, complies with that requirement.

Hootan Hamedani, P.O. Box 17685, Irvine, agreed to the conditions of approval. In response to the elements that were previously discussed by Planning Commission, Mr. Hamedani explained that when they had calculated from the first floor elevation, their ceiling heights were 10 feet for the first floor, and then 8 feet with 1 to 2 feet left between the ceiling and roof and you must find a way to screen some of the roof top equipment and that is how the height was exceeded and the screening became a part of the architectural decorative element.

In response to a question from the Chair, Mr. Hamedani pointed out the architectural elements on the plan and described their characteristics and materials.

In response to the Chair, Mr. Hamedani confirmed that they would be demolishing the 3 units now on the property and rebuild. In response to another question from the Chair, Mr. Hamedani said this type of design might be seen in Los Angeles and Santa Monica. Commissioner Fisler stated that there are condominiums in Huntington Beach at Adams Avenue, just past Brookhurst, that are of a similar architectural element on the front of the condominiums. Commissioner Fisler also confirmed with the applicant that the requested decks were eliminated and that he understood this.

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

MOTION:  
PA-06-30  
Approved

A motion was made by Commissioner Fisler, seconded by Commissioner Egan and carried 4-0 (Hall absent) to approve Planning Application PA-06-30, by adoption of Planning Commission Resolution PC-06-59, 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: Condition of Approval #6 (standard) is to be changed from "Comcast Cable" to "Time Warner Cable."

During discussion on the motion, Commissioner Garlich suggested that standard condition of approval #6 be updated to read Time Warner instead of Comcast with a new phone number if applicable.

The Chair explained the appeal process.

PLANNING APPLICATION  
PA-06-39

Blake Brett Properties/Schroder

The Chair opened the public hearing for consideration of Planning Application PA-06-39 for John J. Schroder, authorized agent for Blake Brett Properties, LLC, for a conditional use permit to allow an administrative office and repair facility for a race team and a minor conditional use permit to allow outdoor vehicle storage behind the building, located at 3036 Enterprise Street in an MG zone. Environmental determination: exempt.

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

John Schroder, authorized agent for the applicant, 17772 Cowan, Irvine, agreed to the conditions of approval.

In response to a question from Commissioner Garlich, Mr. Schroder said their intentions were to use the building as they have applied; they do want the ability to work on special interest vehicles from friends through race activities. Currently, the owner of the building, Kent Jordan is the race car driver. With regard to fuel storage, he said they had no plans to have it on site. Regarding Commissioner Garlich's concern with the noise that might be associated with this type of use and testing of engines and perhaps having to do that outside, Mr. Schroder agreed to conditions that would make it clear that the use must comply with the City's noise ordinance. Commissioner Garlich said that condition of approval #5 indicates that the use shall be conducted at all times in a manner that will allow the quiet enjoyment of the surrounding properties and asked the applicant if he understood that making a lot of noise would be inconsistent with that condition. Mr. Schroder said he understood the intent of the condition.

In response to the Chair regarding the definition of limited sales, Mr. Schroder explained those race vehicles that Mr. Jordan may come across in his racing circuit through the year; as he uses up vehicles, he may decide to sell them. In response to the Chair regarding service of vehicles not belonging to the race team, Mr. Schroder said this means other race cars or other enthusiasts' cars. He said a "special interest vehicle" is not a street car. In response to the Chair regarding "group meetings," Mr. Schroder said this means race enthusiasts get together and view tape of the tracks to learn how to improve their time, and sometimes, it's just a get-together to talk socially. The Chair asked staff if they can have 400 people in the building and serve hard alcohol. Ms. Shih said based upon dialogue with the applicant, he expects to meet 2 to 3 times a month with approximately 4 individuals. In response to the Chair regarding security and/or a security plan, Mr. Schroder said the building has a burglar alarm system, along with self-closing and self-locking gates (occurring after general business hours).

Commissioner Fidler confirmed with Mr. Schroder that half of the 10,000 square feet in this building will be devoted to administrative and meeting spaces.

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

MOTION:  
PA-06-39  
Approved

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 4-0 (Hall absent) to approved Planning Application PA-06-39 by adoption of Planning Commission Resolution PC-06-60, 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-06-46

D'Alessio/Moser

The Chair opened the public hearing for consideration of Planning Application PA-06-24 for Tom Moser, authorized agent for Dennis D'Alessio, for a conditional use permit for a tattoo parlor, located at 1779 Newport Blvd. #B, in a C2 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.

Mr. Lee stated that one communication was received from an attorney representing the property owner of 1781 Newport Boulevard indicating opposition to the proposed request, as well as a phone call from the owner of 1775 Newport Boulevard (both properties abut the subject property) who also indicated concerns with the proposed use, based on potential incompatibilities with the use and their respective uses.

Commissioner Garlich and Mr. Lee reviewed the floors plans and discussed the location of the proposed tattoo parlor (recessed space on the second floor) and the other types of businesses in the building and their locations, including allowable signs, displays and advertising.

In response to some comments from the Chair regarding privacy issues and condition of approval #6, Mr. Lee explained that if specified anatomical areas are tattooed, they cannot be visible to either the customers or the general public. The spaces are set up (as shown on the floor plan), as individual cubicles that would satisfy that requirement. Mr. Lee also pointed out that there is no glass storefront for this space.

In response to a question from Commissioner Garlich, Mr. Lee said he believed there are less than 5 tattoo parlors in the City of Costa Mesa.

Commissioner Fisler confirmed with staff that this business would also be selling artwork.

James Miner and Collin Downing, owners of the business, stated that the applicant Tom Moser was unable to make this evening's meeting due to a family matter, 5635 Lemon Street, Long Beach. Mr. Miner agreed to the conditions of approval, however, he had a question regarding condition of approval #8. He asked if the hours between 11 a.m. and 8 p.m. were the rule or a guideline. He said with respect to the nature of their business it is sometimes difficult to know when they will be done with a certain procedure and sometimes may run over 10 to 15 minutes, or a half-hour. He said they have not had a problem keeping these general hours, but they would like to have some latitude if necessary and would like the hours expanded to 9 p.m.

There was discussion between Commissioner Egan and Mr. Miner regarding the length of time and other variables and considerations it takes to apply a tattoo. He said they are mainly done by appointment and agreed that they would know approximately how long it would take to complete the application of a tattoo. He felt he did not want to have to rush anyone out with their job incomplete in order to be done exactly at 8 p.m.

Commissioner Garlich said he is trying not to be biased against this use but he did want to get on the record that he is not happy with the staff report, in that a number of these uses in the building, and in this area are not the best uses, which is not the applicant's problem. However, he did want to go on record that he would like to see other uses in those properties which is a message for the owners of the properties because it is part of the Redevelopment Project Area in the City and generates tax revenue and they want the businesses there to do well and those funds would help to develop such things as affordable housing, etc. He noted that the applicants should not take it personally because it is not aimed at them.

The applicant confirmed in response to the Chair, that anyone inside the work area receiving a tattoo must be at least 18 years of age where



screens are maintained for those who must have privacy.

PUBLIC COMMENT:

Jon Martino, P.O. Box 7337, Newport Beach, said his company owns the building directly adjacent to this property and he wanted to say the applicants seem like good business people and he does not direct his comments towards them. He said he bought the property on a foreclosure sale and at the time, there were a couple of rundown businesses in the building. They dealt with the redevelopment agency to fix this building up and put a lot of money into it and tried to get good quality tenants who provide good tax revenue for the City and improved the look of the street. He felt the building that the applicant wanted run his business from, has also gone downhill. He said it is inconsistent with the other users on the block. The stereotypical tattoo patron is associated with pawn shops, liquor stores, and has a downward trend. He felt the Commission should deny this application.

Commissioner Garlich asked Mr. Lee to comment on the letter from Newmeyer & Dillion, 2<sup>nd</sup> page, paragraph (c), that Southern Income, a company owned by Jon Martino, believes the City of Costa Mesa is not requiring the operator of the proposed tattoo parlor to comply with the guidelines that were imposed upon Southern Income. Mr. Lee explained that the letter refers to 1781 Newport Boulevard which was remodeled recently. The properties are located within the City's Downtown Redevelopment Project Area and any exterior remodels or refurbishments have to comply with the design guidelines within that area. The subject building was also remodeled a few years back and was also evaluated based upon those guidelines. The Downtown Redevelopment Project Area does not specify uses, other than prohibiting automotive repair, and because the base zone is commercial, this use is being allowed with the approval of a conditional use permit and is how this application came to Planning Commission.

In response to a question from Commissioner Egan, Mr. Lee stated that the Redevelopment Agency does not review conditional use permits. In response to another question from Commission Egan regarding the basis for a conditional use permit of tattoo parlors and what are the underlying concerns generating the requirement, Mr. Lee explained that concerns would be compatibility with the surrounding properties and in this instance, its proximity to residential uses. In any commercially-zoned property in the City, regardless of its location, tattoo parlors are subject to a conditional use permit and it is primarily for that reason. Commissioner Egan asked about problems and police reports that may have come to the attention of staff with other tattoo parlors in the City. Mr. Lee said there were none.

The Chair asked if this application was presented to the Police Department, and Mr. Lee confirmed that as part of the process for permit applications, the division routes a copy of permit applications and a description to all departments including the Police Department and they had no comments on this particular application.

PUBLIC COMMENT  
CONTINUED:

Lisa Dowling, 1914 Santa Ana Avenue, Costa Mesa, said she is a stereotypical tattoo patron. She said she teaches English at Orange Coast College. She believed the tattoo has changed from the "biker people" that the Chair referred to, to a social expression of who we are. She said the majority of her students have a tattoo and she doesn't judge them for it. She explained the type of businesses adjacent to the tattoo parlors in Costa Mesa: one is next to a financial institution on Newport Boulevard, one is next to a Sushi place, one is next to a Veterinarian Clinic, and another next to a Radio Shack. She felt the City needed to maintain the diversity and if one area is getting a little to strange, maybe the Commission should look at the culture and where it is going; "expressionistic." She recommended approval of the application.

Tom Dowling, 1914 Santa Ana Avenue, Costa Mesa, a professor of art and art history at Orange Coast College, said he is speaking in support of this tattoo parlor. He believed it is evidence of our culture changing and during the past 22 years having taught at Orange Coast College, he has seen this effect grow. He said nearly all of his students have a tat-

too and many of his colleagues do as well. He said this is a cross-generational event that is happening in our culture and particularly with young people. Mr. Dowling commented that with regard to the gentleman who spoke previously about his property, in a sense the free market system has “tagged” that particular area. As it has been said, the Wicked Chamber, the Second Spin, Rock’n Java was there for awhile, the Side Street Café, Condom Revolution has been there for a long time, and a certain group of consumers have picked that area in much the same way as they picked The Lab, The Camp, etc., and it is a matter of the free market working it’s effect on that area. He supported the application.

Jessica Andrews, 4237 East 4<sup>th</sup> Street, Long Beach, said she heard a comment this evening about underage persons being accepted in a tattoo parlor. She said every time she has gone to see Jim, she has been I.D.’d and has been going for several years. She said he is one of the most professional tattoo artists that she has met and supported approval of the application.

Terry Roman, a physician at Newport Plaza, said he was here on behalf of Jim Miner. He said Jim’s intentions are truly business-oriented and he has a true talent. He said as far as the “sexual” connotations, they are good people and it is not considered a problem on that street at all, and he named the other businesses (as given by previous speakers). He said as a businessman in this City, he would have no trouble supporting Jim Miner’s application.

Olivia Miner, 5635 Lemon Avenue, said she would like to mention that the majority of people that her husband tattoos, are getting tattooed for 2-3 hours at a time. They’re coming in through a fixed appointment time usually 6 to 8 weeks in advance. She said he has won numerous awards and has had international magazine coverage. She said the “deviant” people that the Commission might consider patrons of the average tattoo parlor, are not frequenting him or his partners primarily due to the price of the tattoos. She assured the Commission that the utmost discretion is always taken.

Shawn Rosenthal, 2237 Jeanette Place, Costa Mesa, felt that these two men are truly artists and deserve of the same respect that all artists are given.

James Miner returned to the podium. He submitted a letter of recommendation from several of the adjacent businesses at his previous location who attested to his business character. He said with respect to the 1781 Newport Boulevard address owned by Mr. Martino, and with respect to his opposition of the tattoo parlor, Mr. Miner took his mother-in-law by the new shop to show her the new location and she spent \$30 at the CD store. He also believed many of his customers would get hungry and buy chicken wings, and also buy CD’s which are in Mr. Martino’s building. He felt the effects to Mr. Martino’s business would be very good. He felt that Mr. Martino’s feelings were based on personal bias rather than fact.

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

Commissioner Garlich said he is reminded from time-to-time, why we have public hearings. He said there was testimony here this evening that he believed was very informative and he is happy to see that because that’s why this process is done in the way in which it was intended. He said based on what he heard tonight, and in spite of what he said earlier, he was moving for a motion of approval.

MOTION:  
PA-06-46  
Approved

A motion was made by Commissioner Garlich, seconded by Commissioner Egan, and carried 3-1 (Perkins voted no; Hall absent) to approve Planning Application PA-06-46, by adoption of Planning Commission Resolution PC-06-61, based on public testimony, 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 Egan said she did not have a problem with this business. She said she had checked with staff

to see what kind of problems there might potentially be and there was apparently nothing. We have tattoo parlors in this City and there is nothing indicating problems with neighbors, or the City as a whole.

Chair Perkins said he is not going to support the motion. He said as history goes, things change. He said 25 years ago, if you looked out on his lawn, you'd see 25 or 30 Harley Davidsons, all people you don't want to be around during the day. Now attorneys, doctors, and accountants drive motorcycles of some type. He said this type of business causes a little bit of ruckus and people get loud; it's not a big deal but some of the neighbors could think so. In that area we've got, not what the code defines as sexually-oriented businesses, but what *he* defines as sexually-oriented businesses. He said he may be more conservative than the others and he said he has a different experience than the other Commissioners.

Commissioner Fisler said he supports the motion. He said he was put off by the letter from Mr. Martino's attorneys (Newmeyer & Dillion) who made the statement (paragraph (b), page 1) that "The patrons who will visit a tattoo parlor are frequently of a character that are inconsistent with the customers that will patronize the local restaurants and retail facilities." He said he did not like that sort of profiling. He said he was glad for the public testimony that reinforced his feelings on this subject.

Commissioner Garlich said he believed that in listening to the presentation from the applicant, that it's clear that this is a business and that they are businessmen. He said if they entertained the clientele, and got involved in practices that the Commission did think were not compatible with the area, it wouldn't be compatible with being good businessmen or with running a good business either; he said he was convinced that this is why they are there. He felt that everyone is entitled to their opinion, however, he felt it was a real stretch to call a tattoo parlor, a "sexually-oriented" business.

The Chair explained the appeal process.

PLANNING APPLICATION  
PA-06-47

Vincent/Valenti

The Chair opened the public hearing for consideration of Planning Application PA-06-47 for Arne Valenti, authorized agent for Valerie and Scott Vincent, for a variance for a third-story deck (2 stories allowed; 3 stories proposed) in conjunction with a design review to construct two, 2-story condominium units, located at 1509 Orange Avenue, in an R2-MD zone. Environmental determination: exempt.

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

Commissioner Fisler confirmed with Ms. Shih that this is considered a third-floor deck, even though the height is below the height of a 2-story home. Ms. Shih explained that code defines this roof-top deck as a third story.

Arne Valenti, 158 LaSalle Street, Orange, agreed to the conditions of approval except for the roof-deck. He said the building was built in such a way that the roof was about to exceed the 27-foot height limit allowed, and therefore, they created a partially sloped roof, and a partially flat roof that is in compliance with the design guidelines. He said that area would also be used for access to mechanical equipment within the roof area. He said Planning Division seemed to be at odds with the building. The building code defines a story as that portion of a building included beneath the upper surface of any floor and any upper surface of the floor, or next above; except that the top-most story, shall be the portion of the building included between the upper surface of the top-most floor.

As for the privacy issue, Mr. Valenti stated that it is situated 22 feet away from the northern-most property and 22 feet from the southern-

most property at the setbacks. He said the southern-most property also has the alley (the buffer zone), so the sight-line, if you are up on the roof area deck, will primarily be used for safely servicing mechanical equipment for maintenance and repairs, and is the reason it is being requested.

Commissioner Egan commented that she was unable to discern from the drawing what would be the access proposed to the rooftop deck. Mr. Valenti said the existing stairway would continue up from the second floor.

The Chair confirmed that the applicant's request is a deck used only for the maintenance and repair of the roof-top equipment.

Commissioner Garlich asked what kind of equipment Mr. Valenti was referring to. Ms. Shih said she did not know and she has checked with the Building & Safety Division and they confirmed it is not required to have roof-top access and that the roof design can be changed to accommodate the overall height limit. Commissioner Garlich asked the applicant why he could not design the roof like everyone else and climb up a ladder and asked what equipment was there on the roof, that made him feel it was necessary to have a deck. Mr. Valenti explained that the attic ventilation will be in that area and the access to the FAU units. They discussed the parapet wall enclosure around the deck.

Bill Beacham, 1513 Orange Avenue, Costa Mesa, adjacent neighbor to the subject property, was concerned about the deck facing their property, they have a swimming pool on that side and a tenant in the back unit of their property which they access on the alley side between this property and the preschool; it also continues around the backside which accesses their garage and the tenant's garage as well. He said he was also concerned that there may be potential blocking of the alleyway by cars.

Commissioner Fislser confirmed with Ms. Shih that the 5-foot rear setback is correct because it sets on an alley. In answer to another question from Commissioner Fislser regarding lot size and density allowance, Ms. Shih explained that code allows 1 unit per 3,000 square feet, provided that the lot size and the dimensions have not changed since 1992. , no lot line adjustments, or subdivisions have occurred.

In further response to Commissioner Fislser questions regarding lot size, Acting Secretary Kimberly Brandt explained that in 1992, the City adopted its 1990 General Plan which changed the density requirements throughout the City. There were lots that were in existence from the City's incorporation that became nonconforming in terms of their previous density allowance versus their new density allowance under the 1990 General Plan. As part of that, there was a concern because the minimum lot size for an R2 lot was increased from being a 6,000 square-foot lot to having 2 units on it, was increased to 7,260 square feet in order to have 2 units on the lot. At that time, City Council did not want to deprive those property owners who had 6,000 square-foot lots from the ability to put a second unit on their property, so that provision was included in our zoning code and General Plan.

Mr. Valenti returned to the podium and addressed the issues brought up by the neighbor. He said as part of the planning process, the alley in the rear will be repaved and there will be no parking. The new owners will have to park in their garages for these two units. Mr. Valenti said that as far as the privacy issues Mr. Beacham discussed; the tenant and the patio and pool area, the sight line does not allow for that to happen because the roof top deck looks over the roof of the neighboring property and the tenant, patio, and pool areas cannot be seen from it.

In response to a question from Commissioner Egan about whether the stairway leading to this flat roof area was to be eliminated, would it then be compliant and not require a variance. If there is no access from the interior, it would be just a roof top, it would not be a third-story.

MOTION:  
PA-06-47

A motion was made by Chair Perkins, seconded by Commissioner Garlich and carried 4-0 (Hall absent) to approve Planning Application PA-



Approved DR/Denied Variance

06-47 development review for the condominium units, but deny the request for a variance for three-story deck, by adoption of Planning Commission Resolution PC-06-62, 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: Condition of Approval #6 (standard) is to be changed from Comcast Cable to "Time Warner Cable."

During discussion on the motion, the Chair said it was not hard to see into someone's pool area.

Commissioner Egan felt because only the stairway had to be removed, it would not be an expensive redesign.

Commissioner Egan said that on the first item this evening, she would have liked to have viewed the rendering that they saw at the end because that's why she was able to vote in favor of the project because many times, it's difficult the visualize.

The Chair explained the appeal process.

**REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:**

Acting Secretary Brandt said there had been some earlier discussion on the Commission's Calendar for the meeting of September 11<sup>th</sup> to move it to September 13<sup>th</sup> in consideration of the 5<sup>th</sup> anniversary of the attack on New York, Washington DC, and Pennsylvania. Due to our public noticing requirements that are done well in advance of our hearings, we would be unable to have a meeting on the 13<sup>th</sup> because the notices have already gone out for September 11<sup>th</sup>. However, given the interest in having a remembrance for that meeting, there will be a special musical presentation prior to the regular portion of the meeting on that date.

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

None.

**ADJOURNMENT:**

There being no further business, Chairman Perkins adjourned the meeting at 8:20 p.m. to the Planning Commission meeting of Monday, September 11, 2006.

Submitted by:

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KIMBERLY BRANDT, ACTING SECRETARY  
COSTA MESA PLANNING COMMISSION