

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

November 27, 2006

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., November 27, 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

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

Kimberly Brandt, Principal Planner

Mel Lee, Senior Planner

Hanh Nguyen, Assistant Planner

MINUTES:

The minutes for the meeting of November 13, 2006 were accepted as distributed.

PUBLIC COMMENTS:

Martin Millard, 2973 Harbor Boulevard, Costa Mesa, stated his concerns about the recent crime in Costa Mesa, and made favorable comments of Commissioner Fisler running for City Council in two years. He also made favorable comments of Vice Chair Hall.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

Commissioner Fisler thanked outgoing Council Member Monahan for his 12 years of service with the City of Costa Mesa.

Vice Chair Hall mentioned that he hopes Commissioner Fisler does run for City Council.

Chairman Perkins asked the public to drive safely during the wet season and to consider purchasing groceries and donating them for underprivileged families/children.

PUBLIC HEARINGS:

**DEVELOPMENT
AGREEMENT
ANNUAL REVIEW
DA-06-02**

**DAVID WILSON/SOUTH
COAST PLAZA**

The Chair opened the public hearing for consideration of Development Agreement Annual Review DA-06-02, for David Wilson, authorized agent for South Coast Plaza, for the annual review of the Segerstrom Town Center Development Agreement (DA-00-02), located east of Bristol Street, south of Sunflower Avenue, west of Avenue of the Arts and north of Anton Boulevard, excluding the Orange County Performing Arts Center. Environmental determination: exempt.

Principal Planner Kimberly Brandt reviewed the information in the staff

report and gave a presentation. She said staff is recommending approval by finding the applicant in good faith with the terms of the development agreement by minute order or motion, not by resolution as mentioned in the agenda.

There were no questions of staff and the Chair said the applicant was unable to attend tonight's public hearing. The Chair opened the public hearing for public comment, and no one wished to speak, so he closed the public hearing.

**MOTION:
DA-06-02**

A motion was made by Commissioner Garlich, seconded by Chair Perkins and carried 5-0 that based on the evidence in the record, South Coast Plaza has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-02.

APPROVED

**DEVELOPMENT
AGREEMENT
ANNUAL REVIEW
DA-06-03**

The Chair opened the public hearing for Development Agreement Annual Review DA-06-03, for David Wilson, authorized agent for C.J. Segerstrom and Sons, for the annual review of the Home Ranch Development Agreement (DA-00-01), located at 1201 South Coast Drive. Environmental determination: exempt.

**DAVID WILSON/C.J.
SEGERSTROM AND SONS**

Principal Planner Kimberly Brandt reviewed the information in the staff report and gave a presentation. She said staff is recommending that C.J. Segerstrom and Sons be found in compliance and recommends the same action by City Council.

There was a discussion between Commissioner Egan, Deputy City Attorney Duarte, and Principal Planner Brandt concerning the sales tax revenue. Ms. Brandt stated it is staff's belief that C.J. Segerstrom and Sons is in compliance with the agreement due to the applicant meeting their cumulative amount guarantee, but will forward concerns and an interpretation from the City Attorney to City Council.

The Chair opened the public hearing for public comment, and no one wished to speak, so he closed the public hearing.

**MOTION:
DEVELOPMENT
AGREEMENT DA-06-03**

A motion was made by Vice Chair Hall, seconded by Chair Perkins and carried 5-0 to recommend to City Council that they find and determine that C.J. Segerstrom and Sons has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-00-01, and that the City Attorney renders an opinion regarding the sales tax revenue provisions of the development agreement and forwards the opinion to City Council.

**RECOMMENDED TO CITY
COUNCIL**

Ms. Brandt mentioned that this item will go before the City Council on January 2, 2007.

PLANNING APPLICATION
PA-06-28

**MICHAEL PETRONELLA/VAN
LOON ENTERPRISES, INC.,
ROY IKEDA, AND BRYAN
BERMAN**

The Chair opened the public hearing for consideration of Planning Application PA-06-28, for Michael Petronella, authorized agent for Van Loon Enterprises Inc., Roy Ikeda, and Bryan Berman, for a conditional use permit to expand an existing roofing business with outdoor storage, located at 2626 Newport Boulevard onto the adjoining properties at 2624 and 2620 Newport Boulevard, 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 is recommending approval by adoption of Planning Commission resolution, subject to conditions.

Michael Petronella, applicant, President of Petronella Roofing, 2626 Newport Boulevard, Costa Mesa, confirmed that he had read the staff report and is in agreement with the conditions of approval. He also gave a presentation.

The Chair opened the public hearing for public comment, and no one wished to speak, so he closed the public hearing.

**MOTION:
PA-06-28**

A motion was made by the Commissioner Fidler, seconded by Commissioner Garlich and carried 5-0 to approve Planning Application PA-06-28, by adoption of Planning Commission Resolution PC-06-86, based on information and analysis contained in the Planning Commission staff report and findings contained in exhibit "A", subject to conditions in exhibit "B".

APPROVED

During discussion on the motion, Commissioner Egan said that she supported the motion for this long-established business.

The Chair agreed and explained the appeal process.

PLANNING APPLICATION
PA-06-36

**RALPH RINGO/BILL
HILLYARD**

The Chair opened the public hearing for consideration of Planning Application PA-06-36, for Ralph Ringo, authorized agent for Bill Hillyard, for a design review to construct a two-story, three-unit, common interest (condominiums) development which exceeds the recommended 80% second to first floor ratio (115% proposed) and for a 7ft. average second floor side setback (10 ft. recommended), with a minor modification for an open parking space to encroach 4 ft. into the required 20 ft. front landscape setback, located at 2068 Maple Avenue, 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 is recommending approval by adoption of Planning commission resolution, subject to conditions.

In response to a question from Commissioner Egan, Mr. Lee confirmed the requirements of landscaping/trees for this project.

Ralph Ringo, applicant, 47 Saratoga, Newport Beach, confirmed that he had read the staff report and is in agreement with the conditions of approval. He also gave a presentation.

Commissioner Fisler noted the project complies with current density and parking requirements.

Commissioner Garlich indicated he thought the project complied with the intent of the Residential Design Guidelines.

The Chair opened the public hearing for public comment, and no one wished to speak, so he closed the public hearing.

**MOTION:
PA-06-36**

A motion was made by Commissioner Egan, seconded by Vice Chair Hall and carried 5-0, to approve Planning Application PA-06-36, by adoption of Planning Commission Resolution PC-06-87, based on information and analysis contained in the Planning Commission staff report, findings contained in exhibit "A", subject to conditions in exhibit "B".

APPROVED

During discussion on the motion, Commissioner Fisler and the Chair stated their support of the motion. Commissioner Garlich also stated his support noting that this project is a better quality unit.

The Chair explained the appeal process.

**PLANNING APPLICATION
PA-06-58**

The Chair opened the public hearing for consideration of Planning Application PA-06-58, for David Stern/Mesa West LLC, for a residential common interest development conversion of an existing 40-unit apartment project to condominiums, with variances from private open space requirements for eight of the units and from minimum private open space dimensions (6 ft to 7 ft. proposed; 10 ft. required), for 32 units of the units, located at 780 and 790 Hamilton Street, in an R3 zone. Environmental determination: exempt.

**DAVID STERN/MESA WEST
LLC**

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff is recommending approval by adoption of Planning Commission resolution, subject to conditions.

In response to a question from Commissioner Fisler, Mr. Lee confirmed that this project, if approved, would have a patio or balcony for each of the 40 units, and 98 parking spaces (includes quest parking) is the current code requirement, which this project does not meet.

David Stern, applicant, 227 Broadway, Santa Monica, confirmed that he had read the staff report and is in agreement with the conditions of approval. He also gave a presentation.

In response to questions from the Chair concerning the length of time of ownership by the applicant; the reason for the conversion of this property; the current percentage of occupancy; and how often the applicant visits the property; Mr. Stern replied two years, the appropriateness of this building for conversion, 92 percent, and once a week, respectively.

The Chair opened the public hearing for public comment, and no one wished to speak, so he closed the public hearing.

A motion was made by Vice Chair Hall to approve Planning Application PA-06-58, seconded by Commissioner Garlich.

During discussion on the motion, Commissioner Egan said she would not support the motion citing the lack of parking, private open space, and general open space.

Commissioner Fisler also voiced his opposition to the motion citing a density concern.

The Chair agreed with Commissioners Egan and Fisler and made a substitute motion.

**MOTION:
PA-06-58**

DENIED

A substitute motion was made by Chairman Perkins, seconded by Commissioner Fisler and carried 3 to 2 (Garlich and Hall voted no) to deny Planning Application PA-06-58, by adoption of Planning Commission Resolution PC-06-88, based on findings discussed above.

During discussion on the substitute motion, Vice Chair Hall, and Commissioners Egan, Garlich and Fisler discussed their views and made comments on this item.

The Chair explained the appeal process.

**PLANNING COMMISSION
REVIEW OF ZONING
APPLICATION ZA-06-43**

**ADAM AND SUZANNE
WALBURGER**

The Chair opened the public hearing for consideration of Planning Commission's review of Zoning Application ZA-06-43, for Adam and Suzanne Walburger, for an administrative adjustment to allow a 6-foot rear setback (10-foot required) for a 1-story addition to the back of a residence, with a minor design review to allow a second-floor addition exceeding the recommended 80% second-to-first floor ratio (82% proposed), with minor modifications to allow up to a 2-foot encroachment into the required 20-foot front setback for a 2-story addition at the front of the residence, located at 2010 N. Capella Court in an R1 zone. Environmental determination: exempt.

Assistant Planner Hanh Nguyen reviewed the information in the staff report and gave a presentation. She said the Commission's options are to uphold, reverse, or modify the Zoning Administrator's decision, by adoption of Planning Commission resolution.

In response to a question from Commissioner Garlich concerning modi-

fyng the Zoning Administrator’s decision, Ms. Nguyen replied that this would involve modifying condition of approval No. 1.

Suzanne and Adam Walburger, applicants, 2010 North Capella Court, Costa Mesa, confirmed that they had read the staff report and objected to condition No. 1. They also agreed to follow condition No. 4 regarding having the windows reviewed and approved prior to installation.

Ms. Walburger thanked staff for their help and spoke about their project and their willingness to do what is needed to get the support of their neighbors.

In response to a question by Commissioner Garlich concerning the windows and privacy and condition No. 1, Ms. Nguyen replied that staff has no privacy concerns for the first or second story windows and stated there is a 20% deviation allowed for the setback through a minor modification.

Ms. Walburger stated her willingness to install stationary windows, but did not agree to the 10-foot rear setback.

Commissioners Egan and Fisler brought up their concerns about the existing kitchen and the addition in square footage, respectively.

The Walburgers noted that they would put lattice on the fence to allow vines to grow, place a cover over the patio, and they would be adding approximately 900 square feet of living area.

PUBLIC COMMENT:

Rick Johnson, 2009 Balearic Drive, Costa Mesa, lives directly behind the applicants, and supports the Zoning Administrator’s denial of the 8-foot rear setback and prefers a 10-foot setback.

Amy Stephens, 2004 North Capella Court, Costa Mesa, spoke in favor of her neighbor’s project.

Peggy Gilkerson, 2013 Balearic Drive, Costa Mesa, opposed the project, citing that it will not fit the neighborhood.

Cathy Boyd, next door neighbor, 2012 North Capella Court, Costa Mesa, spoke in favor of the project.

John Stephens, husband of Amy Stephens, 2004 North Capella Court, Costa Mesa, also spoke in favor of the project.

Bill McCarty, husband of Cathy Boyd, 2012 North Capella Court, Costa Mesa, spoke in favor of the project.

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

Commissioner Garlich moved for approval of ZA-06-43, amending

condition No. 1 for an 8-foot rear setback. Vice Chair Hall seconded the motion.

During discussion on the motion, the Chair noted to add condition No. 11. He complimented the neighbors for working together.

Commissioner Egan spoke in favor of the applicants' project and made a substitute motion to reverse the Zoning Administrator's decision approving the administrative adjustment for a 10-foot rear setback.

**MOTION:
ZA-06-43**

A motion was made by Commissioner Egan, seconded by Vice Chair Hall and carried 4-1 (Fisler voted no) to approve Zoning Application ZA-06-43, as proposed by the applicant, by adoption of Planning Commission Resolution PC-06-89, based on information and analysis contained in the Planning Commission staff report, public testimony, and findings contained in exhibit "A", subject to conditions contained in exhibit "B".

APPROVED

During discussion on the motion, Commissioner Garlich supported the substitute motion and withdrew the original motion. The Chair said his comments would stand, and Commissioner Fisler stated he prefers the required 10-foot rear setback and would not support the motion.

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT:

None.

REPORT OF THE CITY ATTORNEY'S OFFICE:

None.

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 8:10 p.m. to the Planning Commission meeting of Monday, December 11, 2006.

Submitted by:

R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION