

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
April 14, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., April 14, 2008, 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. Kimberly Brandt
Deputy City Attorney Christian Bettenhausen
Acting City Engineer Fariba Fazeli
Principal Planner Willa Bouwens-Killeen
Senior Planner Mel Lee
Associate Planner Wendy Shih

At Commissioner Clark's suggestion, the Chair said he would be providing more information to the public in a timely manner during the meeting.

**III. PLANNING COMMISSION 2007 DESIGN AWARD
PRESENTATION FOR:
SOUTH COAST HOME FURNISHINGS CENTRE**

Senior Planner Mel Lee made a presentation and award certificates were presented to Ron Sakahara, principal of Lee and Sakahara

Architects, the project designer; and Brandon Birtcher and Alan Tutland of Birtcher Developments and Investments, the project developer. Both Mr. Birtcher and Mr. Sakahara spoke in acceptance of the award.

IV. MINUTES: Minutes for the meetings of March 24, 2008

The Chair approved the minutes as distributed.

V. PUBLIC COMMENTS:

There were no public comments.

VI. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Clark stated that he had attended the Planning Institute conference and it was very informative. He said the training was useful and it will in turn help the public in being better involved in the process.

Commissioner Egan pointed out that the Costa Mesa Library Foundation is having a garage sale this Saturday, April 19, at 352 Princeton Drive. The proceeds are going to help in funding a new library for Costa Mesa.

Vice Chair Fisler also mentioned that he learned many new ideas from the three-day conference in Sacramento. He noted that last Saturday was the Neighbors for Neighbors Program and said it was nice to see the pride that we all have for our City.

The Chair noted that the conference was very beneficial.

The Chair stated that Public Hearing Item No. 3 would be moved in front of Item No. 1 due to the fact that this item is being recommended for continuance.

VII. PUBLIC HEARINGS:

3. **From the meeting of March 24, 2008, Tentative Map T-17248, for Justin McMillen, authorized agent for property owner 618 Center Street, LLC, for subdivision of properties for condominium purposes. The properties are**

located at 616 Center Street and 613 Plumer Street, in the Mesa West Residential Ownership Urban Plan area and in the R2-HD zone. Environmental Determination: exempt.

The Chair asked if anyone wished to speak on this item that would not be able to attend the continued meeting date of May 27, and no one wished to speak.

MOTION: Continue to the Planning Commission meeting of May 27, 2008.

Moved by Vice Chair James Fidler, seconded by Commissioner Sam Clark.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

- 1. From the meeting of March 10, 2008, Planning Application PA-07-53, for John Steed, for a design review for a 3-unit common interest development with variances from driveway parkway landscaping (5 ft. house side, 10 ft. combined width required; 1 ft. house side, 2-5 ft. combined width proposed), overall open space (40% required; 33% proposed) and private open space requirements (minimum 10 ft. dimension required; 7 ft. dimension proposed for Unit B), a minor modification for a 10 ft. wide common driveway (16 ft. required), and a minor design review for 100% and 114% second-to-first floor ratios (80% recommended) and 5 ft. average second floor left side setbacks (10 ft. average recommended), located at 257 16th Place in a R3 zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and responded to questions from the Commission regarding private open space, the intent of the private open space requirement, and the variances.

John Steed, applicant, addressed private open space, the

variances, and the difficulties with the 50' wide lot. He noted that his planner did not provide him with an example of a similar-type project. Mr. Steed also described the window placement, the decorative driveway, and the landscaping plants providing privacy for the units.

Vice Chair Fislser and Ms. Shih discussed examples of lots with non-conforming widths.

Mr. Steed stated that he made every effort to meet the open space variance and agreed to all the conditions of approval.

MOTION: Approve Planning Application PA-07-53, by adoption of Planning Commission Resolution PC-08-33, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in Exhibit "B", with the following adopted findings:

Findings

A. The information presented complies with Costa Mesa Municipal Code Section 13-29(14)(a) in that the scale of the buildings are compatible with structures in the area and the intent of the design guidelines. Although Unit B "bedroom 2" and "living room" windows will have potential privacy impacts on the adjacent 2-story building to the east, appropriate landscaping will be included to obscure direct views.

B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) and (6) because special circumstances (nonconforming lot width) applicable to the property exist to justify approval of a reduced driveway parkway landscaping and open space requirements. The special circumstances provide justification for the variances from overall and private open space. Approval of the project, with reduced overall and private open space and driveway parkway landscaping, in conjunction with a minor modification for reduced driveway width, will not constitute a grant of special privileges inconsistent with limitations upon other properties in the same zoning district.

C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt from CEQA under Section 15332 for In-Fill Developments.

**D. The project, as conditioned, is consistent with Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code in that the development project's traffic impacts will be mitigated by the payment of traffic impact fees.
Moved by Commissioner James Righeimer, seconded by Chair Donn Hall.**

Commissioner Righeimer explained that he was in favor of the project.

In response to Commissioner Egan pointing out that the findings for approval referred to in the motion were not in the report, Planning Commission Secretary Kimberly Brandt replied that she drafted the findings for approval and will read them into the record if this is satisfactory with the maker of the motion and the seconder. The maker of the motion and the seconder agreed and also agreed to the approval findings after they were read.

Vice Chair Fisler mentioned that it was a tough decision and appreciated staff's observations and recommendations, but supported the project.

Commissioner Egan reluctantly supported the project and stated it was a very narrow and difficult lot.

Commissioner Clark stated he could not support the project and said the lot could not adequately accommodate three units, and the articulation of the building was not to his liking.

The motion carried by the following roll call vote:

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

Noes: Chair Donn Hall, and Commissioner Sam Clark

Absent: None.

2. **From the meeting of March 24, 2008, Specific Plan SP-08-01, for David Wilson, authorized agent for South Coast Plaza, to amend the North Costa Mesa Specific Plan and Theater and Arts District Plan by modifying several pages of text of the Theater and Arts District Plan, located east of Bristol, south of Sunflower, west of Avenue of the Arts, and north of Interstate 405, in a TC zone. Environmental determination: exempt.**

Principal Planner Willa Bouwens-Killeen reviewed the information in the staff report and responded to a question from the Commission concerning area branding.

David Wilson, representing South Coast Plaza, Maguire Properties, and the Orange County Performing Arts Center, thanked the Commission for continuing this item forward from March 24 when he was not available, and discussed the future signage program.

MOTION: Recommend approval to City Council, by adoption of Planning Commission Resolution PC-08-34. Moved by Commissioner Sam Clark, 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.

Planning Commission Secretary Kimberly Brandt mentioned that this item would be scheduled for the City Council meeting of May 6, 2008.

4. **Planning Application PA-07-52 and Lot Line Adjustment LL-07-04, for DRC, authorized agent for BKM Redhill Associates II. LLC, Sierra Nevada Investment, and RHP LLC, for a conditional use permit for shared/off-site parking and a minor conditional use permit for shared**

access with a lot line adjustment to modify 3 building lots to 3 parcels containing parking and improvements, located at 3184, 3186, and 3185-3189 Pullman Street, in an MP zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and responded to a question from the Commission regarding the CC&R's.

Brian Malliet, representative for the property owners, agreed to all the conditions of approval. He pointed out that according to the CC&R's, there is all open parking and no reserved parking for the project.

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

**MOTION: Approve Conditional Use Permit PA-07-52 and Lot Line Adjustment LL-07-04, by adoption of Planning Commission Resolution PC-08-35, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in Exhibit "B".
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-08-03, for Bert Tarayo, authorized agent for Daniel and Jani Judge, for construction of a two-story single-family residence with a variance from building height requirements (27 feet permitted; 29 foot, 10 inches proposed); chimney height (29 feet permitted, 33 foot proposed); an administrative adjustment for a reduced side setback for the first floor (5 feet required; 3 feet proposed); and a minor conditional use permit for excess garage area (700 sq. ft. maximum allowed; 843 sq. ft. proposed); with a minor design review to deviate from the**

recommended 80% second-to-first floor ratio (82% proposed) and a 10-ft. average side setback (7 feet, 8 inches proposed), located at 231 Flower Street, in an R1 zone. Environmental determination: exempt.

The Chair asked if anyone wished to speak on this item that would not be able to attend the continued meeting date of April 28, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting of April 28, 2008.
Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.**

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.

- 6. Planning Application PA-08-07, for Laura Dunbar, authorized agent for Danny and Dorothy Dunbar, for construction of a two-story second dwelling unit with a variance from parking (7 spaces required; 6 spaces proposed); a minor design review for 91% second-to-first floor ratio (80% maximum recommended); administrative adjustments for 3-ft. side setback (5 ft. required); and 6 ft. and 7 ft. building separations (10 ft. required) with minor modifications to retain an existing driveway and to extend a nonconforming side setback of the existing front unit with a new closet, located at 242 Ogle Street, in an R2-HD zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report, and there were no questions of staff.

Laura Dunbar, applicant, agreed to all the conditions of approval. She stated that the parking spaces were grandfathered in and provided a letter to the Commission showing her alternative parking proposal to meet the parking requirements.

The Chair and Mr. Lee discussed the existing parking, the credited parking spaces, and the 4 additional parking spaces required for the new portion of the project.

Commissioner Righeimer and Ms. Dunbar discussed the design of the workshop, its square footage, and garage usage.

The Commission, Planning Commission Secretary Kimberly Brandt, and Mr. Lee discussed parking calculations for the project factoring in the number of units and bedrooms.

Commissioner Righeimer mentioned the 3' side variance and the administrative adjustment.

John Steed, Newport Beach, spoke in favor of the project noting that he is a developer in the area.

Ms. Dunbar said she has made every effort to comply, allowing 5' on one side, open space, and following staff's design guidelines.

Commissioner Egan, Commissioner Righeimer, and Ms. Dunbar discussed the variance for the garage and its square footage.

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

MOTION: Approve Planning Application PA-08-07, by adoption of Planning Commission Resolution PC-08-36, based on the evidence in the record and findings contained in Exhibit "A", subject to the conditions in Exhibit "B", with the following adopted findings:

Findings

A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:

- **The proposed development is compatible and harmonious with uses on surrounding properties.**

- **Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.**
- **The proposed project complies with applicable performance standards prescribed in the Zoning Code.**
- **The project is consistent with the General Plan.**
- **The cumulative effect of all of the planning applications has been considered.**

B. The information presented complies with Section 13-29 (g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property do exist to justify granting of the administrative adjustments from side setback and building separation. Specifically, the site is nonconforming with regard to minimum lot size and minimum lot width. Project approval would not constitute a grant of special privileges inconsistent with similar properties within the same zoning district. Furthermore, it has been determined that the parking variance is not necessary due to the existing nonconforming unit on the property and that the proposed 6 on-site parking spaces are adequate for this development.

C. The information presented does comply with Costa Mesa Municipal Code Section 13-29(14) in that the proposed development, with the proposed deviations from the Zoning Code, is compatible and harmonious with existing and/or anticipated development on surrounding properties. Additionally, the design of the second story is generally consistent with the purpose and intent of the City's Residential Design Guidelines.

D. The information presented does comply with Costa Mesa Municipal Code Section 13-29(g)(6) with regard to the minor modifications to retain the existing driveway and to allow the minor building additions to encroach into required setbacks in that the improvement is compatible with the design of existing and anticipated development in the vicinity.

E. 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 15303 for New Construction.

F. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.

During discussion on the motion, Commissioner Egan suggested adopting an interpretation to allow 6 parking spaces and Ms. Brandt stated she was working on the approval findings.

Commissioner Righeimer expressed his concern regarding the workshop and asked if the maker of the motion was willing to make a change and Vice Chair Fisler said he wanted to keep his motion as is.

Vice Chair Fisler and Commissioner Egan discussed the side setback on the right side and the front and rear units.

Ms. Brandt read the findings for approval into the record.

Vice Chair Fisler and Commissioner Clark discussed including a finding stating that the parking variance has been deemed unnecessary due to the interpretation of the Zoning Code, and they both agreed.

The motion carried by the following roll call vote:

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

Noes: Commissioner Eleanor Egan, and Commissioner James Righeimer

Absent: None.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

1. Single-Family Residential (R1) Parking Standards

Planning Commission Secretary Kimberly Brandt reviewed the information in the report and gave a detailed presentation with photographs. She responded to a question from the Commission regarding variances for nonconforming dimensions.

Harvey Berger, Berger Development, thanked Senior Planner Minoo Ashabi for speaking to him at length on this item and explained that 50% of all garages are used for storage. He said that storage may have decreased open space and suggested carports and tandem parking for new construction, for increased onsite parking.

Gary Hernandez, Costa Mesa, commented on parking concerns due to board/care homes on his street, McKinley Way. The Chair pointed out that the City Council has to work with the State on new legislation.

Mark (last name inaudible), Costa Mesa, expressed his concerns about board/care homes on McKinley Way and said it is similar to having an apartment complex on the street. He noted that a conditional use permit is needed.

Commissioner Clark said he is aware of everyone's concerns and thought that Mr. Berger's suggestion of carports is a good idea.

Commissioner Egan mentioned that a "resident only" parking restriction on the street could be helpful. Ms. Brandt said she would have to research that suggestion.

Commissioner Righeimer discussed his ideas for a motion on this item and the Chair asked him to restate his motion more clearly.

MOTION: Recommend forwarding this to the City Council to ask them to allow staff to spend the time necessary to draft an ordinance to address the R1 parking standards in Costa Mesa.

Moved by Commissioner James Righeimer, seconded by Commissioner Eleanor Egan.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

**X. ADJOURNMENT TO THE MEETING OF MONDAY, APRIL 28,
2008.**

There being no further business, Chairman Hall adjourned the meeting at 8:31 p.m. to the Planning Commission meeting of Monday, April 28, 2008.

Submitted by: _____
KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION