

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
June 9, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., June 9, 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 Tom Duarte  
Acting City Engineer Fariba Fazeli  
Principal Planner Claire Flynn  
Chief of Code Enforcement Jim Golfos  
Chief Plans Examiner Burt Morgan  
Senior Planner Mel Lee  
Associate Planner Wendy Shih

**III. MINUTES:** Minutes for the meeting of May 27, 2008

The Chair approved the corrected minutes as distributed.

**IV. PUBLIC COMMENTS:**

Ed Guilmette, Costa Mesa, said he sent e-mails to the Planning Commission regarding the code enforcement problems at 899 W.

Wilson Street and spoke about the continued violations. Mr. Guilmette displayed pictures on the overhead screen and stated that this address is an automotive junk yard. He requested that the Planning Commission alleviate this situation and the Chair replied that this problem would be looked into.

Michael Fish, Costa Mesa, also spoke about the code violations at 899 W. Wilson Street.

Brooke Rasmussen, Costa Mesa, expressed her concerns relating to the Shark Club and noted problems with noise and patron activity outside the club and in her housing development in Knowleton Manor. She stated how this has affected her quality of life.

Margaret Thibodeau, Knowleton Manor Homeowner Association President, Costa Mesa, asked for stricter code enforcement of the Shark Club and the patron activity outside the club and at Knowleton Manor.

Commissioner Clark and Ms. Thibodeau discussed the hours of greatest offense concerning the Shark Club, and Commissioner Clark said he would visit the site.

The Chair asked Ms. Brandt to look into the Shark Club concerns.

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

Commissioner Righeimer expressed his concerns relating to code enforcement, Fire code violations, and his plans to act on violations. The Chair and Commissioner Righeimer discussed keeping the Commission up-to-date with actions taken by Commissioners.

Commissioner Clark asked staff for the contact information on the two people who spoke during Public Comments on the Shark Club.

Commissioner Egan commented that she did not receive Mr. Guilmette's correspondence and had no telephone number at which to return his phone call.

Vice Chair Fislser pointed out that he is happy with Code Enforcement's response and said they are efficient and dedicated.

**VI. PUBLIC HEARINGS:**

- 1. Review, modification, and/or revocation of Zoning Application ZA-02-55, a minor conditional use permit allowing a restaurant (Sutra Lounge) with sale of alcoholic beverages after 11:00 p.m., live entertainment, and dancing located at 1870 Harbor Boulevard, Suite A200, in a PDC (Planned Development Commercial) zone. Environmental determination: exempt.**

The Chair stated that this item would be continued to the meeting of June 23, 2008. He asked if anyone wished to speak on this item that would not be able to attend the continued meeting date of June 23, 2008, and no one wished to speak.

**MOTION: Continue to the Planning Commission meeting of June 23, 2008.  
Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer.**

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. Planning Application PA-06-59 and Parcel Map PM-06-250, for Louie Del Real, authorized agent for Aurelio Pimentel, for a residential common interest development conversion of 4 apartment units into condominiums with a parcel map to facilitate the conversion, located at 1843 Pomona Street, in an R2-HD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Louie Del Real, authorized agent for the property owner, agreed to all the conditions of approval and mentioned that the plans have been completely revised and he has followed the

Green Building Standards.

Mr. Del Real stated that the square footage of the units is just under 1,000 square feet; he noted he incorporated a California modern look to this project; and said the building would be completely gutted down to the studs to start anew. He also mentioned he would not consider combining the units.

The Commissioners, Ms. Shih, and Mr. Del Real discussed his most recent correspondence concerning the building/rooms being completely gutted and that this correspondence was not received by the City, and consequently not reflected in the conditions. Ms. Shih mentioned that everything would be brought up to current standards except for the parking, which is short 4 parking spaces.

**MOTION: Deny Planning Application PA-06-59 and Parcel Map PM-06-250, by adoption of Planning Commission Resolution PC-08-47, based on the evidence in the record and the denial findings contained in Exhibit "A".  
Moved by Commissioner James Righeimer, seconded by Vice Chair James Fisler.**

During discussion on the motion, Commissioner Righeimer explained that this project is an underparked, old apartment building, and half of the garages are used for storage.

Deputy City Attorney Tom Duarte pointed out that the motion should be based on the denial findings, and the Chair noted those findings are located on Page 16 of the staff report.

Vice Chair Fisler supported the motion for denial based on the degree of nonconformity of the project.

Commissioner Egan reluctantly supported the motion and said the building was not suitable for conversion.

The motion carried by the following roll call vote:

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

Noes: Chair Donn Hall

Absent: None.

The Chair stated the appeal process.

3. **Planning Application PA-07-51, for RREEF, authorized agent for SDCO Costa Mesa Commerce Park, for a conditional use permit for a church (Hope Orange Coast) in an industrial building with a minor conditional use permit to deviate from shared parking requirements due to offset hours of operation, located at 3303 Harbor Boulevard, Suites K5 and K6, in a PDI zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report and noted that Condition No. 4, on Page 8 of the staff report, will reflect the amended hours of operation as per the amendment received. Mr. Lee responded to a question from the Commission regarding if there were any issues relating to the Pentecostal Church or the current church, and there were none.

Terry Miller, applicant, agreed to all the conditions of approval. He mentioned that the amendment has the proposed dates and they are not set. Mr. Miller replied to Commissioner Clark that he did not object to the amended hours of church operation.

Kristine Ramsey, church member, Costa Mesa, said that Hope Chapel has helped her in her life.

Lorna Grey, church member, Costa Mesa, mentioned that Hope Chapel and has changed her life for the better.

Stan Shockley, church member, Costa Mesa, commented that Hope Chapel will be of service to the community with this approval.

Gail Hall, Costa Mesa, said that Hope Chapel serves the community and is an extension of the community, and Costa Mesa will be blessed if this item goes forward.

Mr. Miller said there are no problems within the Commerce

Park relating to this request.

Vice Chair Fislser and Mr. Lee discussed revising Condition No. 4, and parking issues that may arise. They also discussed adding a condition of approval to address parking shortages if they occur in the future.

**MOTION: Approve Planning Application PA-07-51, by adoption of Planning Commission Resolution PC-08-48, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the following adopted conditions of approval:**

**Conditions of Approval**

**1. The conditional use permit herein approved shall be valid until revoked. However, the conditional use permit shall expire at the end of one (1) year unless the use legally commences or the applicant applies for and is granted an extension of time. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is operated in violation of applicable laws or ordinances or, if in the opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.**

**2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.**

**3. The use shall be limited to the type of operation described in this staff report. Any change in the operational characteristics including, but not limited to, hours of operation, will require approval of an amendment to the conditional use permit, subject to Planning**

**Commission approval.**

**4. Worship services, including Sunday school and fellowship, shall be conducted only on Saturdays and Sundays, weekday evenings between 7:00 p.m. and 10:00 p.m., and legal holidays. Only administrative office uses for the church shall be allowed during weekday daytime hours.**

**5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The operator shall institute whatever security and operational measures are necessary to comply with this requirement.**

**6. If parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem.**

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

Commissioner Righeimer gave his support for this motion.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

- 4. Planning Application PA-07-55 and Parcel Map PM-08-101, for Andrade Architects, authorized agent for Frank Di Ferdinando/Stallion Investments, for a design review for a 2-unit, 2-story, residential common interest development with a deviation from the recommended 10-foot average second-story side setback (8.6 ft. proposed), and an administrative adjustment for a 16-foot second-floor rear setback (20 ft. required), with a parcel map to facilitate the project, located at 2246 Elden Avenue, in an R2-MD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and responded to questions from the Commission regarding the density requirement, deviation from rear setback requirements, and the minor design review.

Nanci Glass, authorized agent for the property owner, agreed to all the conditions of approval.

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

**MOTION: Approve Planning Application PA-07-55 and Parcel Map PM-08-101, by adoption of Planning Commission Resolution PC-08-49, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".  
Moved by Commissioner Eleanor Egan, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

5. **Planning Application PA-08-09, for authorized agent Steve Tiner of LPA, Inc., for a Master Plan for a 65,435 sq. ft., 2-story building (Building D) at the Emulex Corporation headquarters at 3333 Susan Street, in a PDI (Planned Development Industrial) zone. Inclusive of the new building, the 14.15-acre Emulex campus will consist of 236,611 sq. ft. of corporate office space and 729 standard parking stalls. Environmental determination: Certified Segerstrom Home Ranch Final EIR No. 1048.**

Principal Planner Claire Flynn reviewed the information in the staff report and noted that the project architect would be giving a detailed presentation of the project. Ms. Flynn responded to questions from the Commission regarding water usage for landscape requirements and the drought-tolerant vegetation selected.

Gloria Broming of LPA, Inc., authorized agent and architect for Emulex Corporation, stated that this project will be a LEED GOLD certified building and native planting will be implemented.

Keith Hempel of LPA, Inc., architect, gave a detailed presentation of the project with computer renderings; discussed the street water management; explained diverting 75% of waste to recycling; and noted the estimated time line for the project.

Mr. Hempel replied to Commissioner Righeimer that the purple water pipes will continue to be used to provide reclaimed water for landscaping.

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

**MOTION: Approve Final Master Plan PA-08-09, by adoption of Planning Commission Resolution PC-08-50, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", and the mitigation measures in Exhibit "C".  
Moved by Vice Chair James Fisler, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

6. **Planning Application PA-08-13, for Charles Vaughan, authorized agent for Page Private School, Inc., for a conditional use permit to use a 32,000 sq. ft. residential property as a recreational field for Page Private School (existing residential structures will be demolished), located at 642 Hamilton Street, in an R2-MD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Charles Vaughan, property owner, agreed to all the conditions of approval.

In response to Commissioner Egan's question if he had any objection to using reclaimed water for irrigation, Mr. Vaughan replied that he had no objection.

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

**MOTION: Approve Planning Application PA-08-13, by adoption of Planning Commission Resolution PC-08-51, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the following additional condition:**

**Conditions of Approval**

**14. Reclaimed water shall be used if and when it is available for landscape irrigation.**

**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 Fislér,  
Commissioner Sam Clark, Commissioner Eleanor Egan, and Commissioner James Righeimer

Noes: None.

Absent: None.

**VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.**

**1. Code Enforcement Procedures for Addressing Buildings Constructed Without Permits**

Planning Commission Secretary Kimberly Brandt reviewed the information in the memorandum and advised the Commissioners that Chief of Code Enforcement Jim Golfos and Chief Plans Examiner Burt Morgan were in attendance to

answer any questions.

Commissioner Righeimer and Ms. Brandt discussed the case at 1711 Pomona Avenue.

Commissioner Clark stated that he has found Code Enforcement to be very responsive and believes they do their best.

Commissioner Righeimer and Mr. Golfos discussed a theoretical example of a unit illegally converted from a workshop and the need for written statements from neighbors and pictures to get a warrant to inspect the property.

Deputy City Attorney Tom Duarte noted that an inspection warrant can be issued with the declaration of a neighbor, including pictures and dates.

A discussion ensued regarding Fire code complaints.

Senior Plans Examiner Burt Morgan pointed out that the Building Division wants to deliver a good product and help the citizens of Costa Mesa.

Vice Chair Fidler and Mr. Morgan discussed building permits, building codes, and fee calculations.

Commissioner Egan thanked Code Enforcement staff for their cooperativeness during the construction activities in her backyard.

Commissioner Righeimer mentioned that staff should look at the projects for "red flags". He expressed concerns of the illegal use of legal buildings. He also asked if the Code Enforcement page on the website could be easier to find. Ms. Brandt agreed to take care of that request.

In response to the Chair's inquiry about the case involving 1711 Pomona Avenue, Ms. Brandt replied that a permit is required to build a structure and a permit is required to demolish a structure.

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

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, JUNE 23, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 8:21 p.m. to the Planning Commission meeting of Monday, June 23, 2008.

Submitted by: \_\_\_\_\_  
KIMBERLY BRANDT, SECRETARY  
COSTA MESA PLANNING COMMISSION