

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
July 28, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., July 28, 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.**

Vice Chair Fisler 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  
Management Analyst Hilda Veturis  
Senior Planner Mel Lee  
Senior Planner Minoo Ashabi  
Associate Planner Wendy Shih  
Veronica Tam, Consultant

**III. MINUTES: Minutes for the meeting of July 14, 2008**

The Chair approved the minutes as distributed.

Chair Hall introduced former Mayor Peter Buffa in the audience.

**IV. PUBLIC COMMENTS:**

There were no public comments.

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

Commissioner Egan stated that she would be absent for the next Planning Commission meeting while attending her granddaughter's graduation from the University of North Texas. She also mentioned that on July 30, the Costa Mesa Library Foundation would be putting on a fundraiser at the Newport Rib Company on Harbor Boulevard. More information on the fundraiser is available at [CostaMesaLibraryFoundation.org](http://CostaMesaLibraryFoundation.org).

**VI. PUBLIC HEARINGS:**

- 1. From the meeting of June 23, 2008, Parcel Map PM-08-122, for J.D. Kapp, authorized agent for Newport Balboa Partners/John Snedeger, for a tentative parcel map to facilitate a four-unit residential common interest development (approved under PA-07-37), located at 178-180 E. 19th 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.

Pat Kapp, representing the property owner Newport Balboa Partners, agreed to all the conditions of approval and appreciated staff's cooperation.

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

**MOTION: Approve Parcel Map PM-08-122, by adoption of Planning Commission Resolution PC-08-59, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".  
Moved by Commissioner James Righeimer, seconded by Commissioner Sam Clark.**

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-08-04 and Vesting Tentative Tract Map VTT-17274, for Bryan Coggins of The Preface Group, authorized agent for Delbert L. Warwick TR, for a 34-unit, detached live/work, common interest development project designed as three-story structures with roof decks, within Mesa West Bluffs Urban Plan located at 1036 and 1042 W. 18th Street, in an MG zone. Deviations requested for left side setback (20' allowed, 16' proposed), Floor Area Ratio (1.00 allowed, 1.01 proposed), and six compact parking stalls. Environmental determination: exempt.**

Senior Planner Mino Ashabi reviewed the information in the staff report and provided overhead pictures. She responded to questions from the Commission regarding parking standards for residential or live/work projects; staff's understanding of commercial presence for live/work projects; parking requirements; open space proposed; and the amount of work space in the live/work units within the overlay district.

Planning Commission Secretary Kimberly Brandt replied to Commissioner Righeimer that combining live/work units with residential units is a possibility with the Urban Plan, followed by a discussion on horizontal mixed use projects.

Commissioner Egan, Commissioner Clark, and Ms. Ashabi discussed permitted uses, commercial visibility from the street, modern storefront design, and common parking areas.

Ms. Ashabi explained to Vice Chair Fisler that mixed use projects are reviewed on a case by case basis. If an application included more residential units and only 2 live/work units, it may not necessarily qualify for the flexible standards in the Urban Plan.

Commissioner Righeimer pointed out that there are 5 live/work units in the Nexus development. He added that FAR standards can be used for live/work units.

Chair Hall discussed commercial appearance and Ms. Ashabi noted exposure and a viable live/work project versus a home-based business where customers cannot visit your home.

Bryan Coggins of The Preface Group, authorized agent for the property owner, agreed to all the conditions of approval except for Condition Nos. 10 and 44. Mr. Coggins preferred that the last sentence of Condition No. 10 be deleted and stated he did not agree with Condition No. 44 (drainage condition).

Acting City Engineer Fariba Fazeli pointed out that currently the project site drains toward a private community and the subdivision map allows the added condition, but the site is not currently draining into the public storm drain system.

The Chair, Commissioner Righeimer, and Ms. Fazeli discussed drainage to a public street and drainage to a private community, and obtaining an easement for proposed development.

Commissioner Righeimer asked Mr. Coggins if he could get an easement from the neighbor, SeaBreeze residential community, and a discussion ensued including the Chair, Deputy City Attorney Tom Duarte, and Ms. Fariba concerning the easement requirement or upgrading the drainage system to accommodate the added runoff.

Mr. Coggins pointed out that drainage to 18th Street would involve major construction to place pumps underground for drainage uphill, when there is a natural flow to Banning Ranch, and SeaBreeze drains downhill.

In response to Commissioner Egan's question as to what he proposes if no easement is obtained, Mr. Coggins replied that he is proposing a system that has zero impact; detains rain water; and slowly releases the water to the storm drain.

Commissioner Egan suggested rewording Condition No. 44 so that as long as the new drainage system handles the water runoff to the satisfaction of Engineering and the City Attorney's office, it should be acceptable. Mr. Coggins also noted that

this project is green.

After the discussions finished relating to the conditions of approval, Mr. Coggins proceeded to make a detailed presentation of the project. He gave a history of his work on the project, and provided pictures on the overhead screen.

Mr. Coggins confirmed with Commissioner Rigeimer concerning signage in front of the project and doorway units. Vice Chair Fisler confirmed with staff that there are deviations on this project, which would traditionally be considered as variances.

Mr. Coggins commented on the deviation from side setback; providing more spaces in the garage instead of guest parking; and the FAR deviation.

Mr. Coggins discussed with Commissioner Egan the general plan screening, the number of bedrooms, the number of parking spaces, and the CC&R's.

Kirsten Mangers Flynn, SeaBreeze resident, Costa Mesa, commented that Mr. Coggins and his staff have a great relationship with their neighbors and have addressed their neighbors' concerns. She was pleased with all the efforts that have been made.

John Steed, builder/developer, Costa Mesa, supported the project and said it was extremely innovative.

Matt Hoyt, Costa Mesa, said there is a high demand for this type of a project.

Steven Flores, a CPA, Newport Beach, noted that this project is perfect for him, as he works from home, and the location is great.

Kirk Howe, Costa Mesa, stated this project fits his needs.

Blake Erickson, Costa Mesa, said he has been looking for a place in a business setting.

Marla Mohr, SeaBreeze resident, Costa Mesa, stated that the developer has made a lot of concessions.

Ryan Cozeel, Costa Mesa, said this project is a great opportunity for him to build a business.

Mr. Coggins made some final remarks stating he was committed to planting large leaf, evergreen trees for nice screening, and would limit roof-top time for the owners.

The Commissioners, Ms. Brandt, and Ms. Ashabi discussed the parking ratio, size of live/work work space and parking, and the site designed as a high density project.

Peter Buffa, Community Outreach Consultant for project, Costa Mesa, asked the Commission to envision a product for the young professional, and the demographic of a buyer. He said this project is the future of the Westside.

Mr. Coggins asked the Commission to keep the Westside in mind and how we need this type of project.

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

**MOTION: Approve Planning Application PA-08-04 and Vesting Tentative Tract Map VT-17274, by adoption of Planning Commission Resolution PC-08-60, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to Condition Nos. 10 and 44, adopted as follows:**

**CONDITIONS OF APPROVAL**

**10. Prior to issuance of certificate of occupancy, the applicant shall construct a minimum 6-foot tall decorative block wall around the perimeter of the project site. Where walls on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them and/or provide adequate privacy screening by trees and**

landscaping.

**44. The property is currently utilizing an existing private 24” reinforced concrete pipe (RCP) drainage pipe in the adjacent development for site drainage. The applicant will be required to provide off-site drainage to the satisfaction of the Public Services Department and the City Attorney. The developer shall comply with the City’s Storm Drain ordinance with submitting the required storm drain fee and the construction of storm drain facilities as identified in the City’s Master Drainage Plan. Moved by Commissioner James Righeimer, seconded by Commissioner Sam Clark.**

During discussion on the motion, Commissioner Egan helped provide the wording for Condition No. 44, and Deputy City Attorney Duarte agreed.

Commissioner Righeimer explained why he supported this project and said it does not cause impacts to the surrounding neighbors and we need to make communities more livable. He also noted that the Westside needs to increase their tax base.

Commissioner Clark thanked The Preface Group and their cooperation with the neighbors; noted that the deviations are insignificant to him; and stated the Westside needs this type of project. He gave his support for the project.

Commissioner Egan pointed out that this project looks like a high density residential project and there is no zone for it. She said live/work units are wrong for this area and this is not a place to create a new zone. She also said there should be a proposed ordinance and was concerned about the future of R2 development.

Vice Chair Fislser stated that he is all for the redevelopment of the Westside, but is concerned about the size of the work area. He said this is a high density residential project in disguise and would not be supporting the motion.

The Chair stated that the work area should be larger. He said Mr. Coggins did a great job and tried to accommodate

everybody. Vice Chair Fisler repeated that he thinks this is a high density project in disguise.

The Chair noted that he is well aware of all the comments.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Commissioner Sam Clark, and  
Commissioner James Righeimer

Noes: Vice Chair James Fisler, and Commissioner Eleanor  
Egan

Absent: None.

Commissioner Egan suggested that the City Council create a high density zone and Commissioner Clark stated the live/work ordinance still needs work to clarify the standards.

The Chair explained the appeal process.

3. **Planning Application PA-08-19, for bkm 3128 Redhill Associates, LLC, for a conditional use permit for an automobile rental agency (Advantage Rent-a-Car) with related outdoor storage, washing, detailing, and fueling of vehicles, located at 325 East Baker Street, in an MP zone. Environmental determination: exempt.**

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

Brian Malliet, property owner, agreed to all the conditions of approval except for Condition Nos. 2, 3, and 6. He asked that Condition Nos. 2 and 6 be deleted and the additional language "or vice versa" added to the end of the sentence of Condition No. 3.

There was a discussion concerning Code Requirements and Planning Commission Secretary Kimberly Brandt pointed out that these requirements are not provided to the Commissioners. Additionally, she said, only the City Council can address a request for a code requirement to be deleted.

The Chair and Mr. Malliet discussed Condition No. 6 (exterior and interior remodeling construction finals). Mr. Malliet



emphasized the need for his tenant to use the site as soon as possible.

Mr. Malliet commented on a letter he sent the City and said there is no compatibility problem, and he negotiated with Rock Harbor Church and Mariner's Christian School for overflow parking.

Mr. Lee replied to Vice Chair Fidler that the retaining trees as mentioned in the staff report are addressed in the Municipal Code and need not be mentioned in the conditions.

Mr. Malliet replied to Commissioner Righeimer that his tenant is located on Sky Park Circle in Irvine.

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

**MOTION: Approve Planning Application PA-08-19, by adoption of Planning Commission Resolution PC-08-61, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with the deletion of Condition Nos. 2 and 6, and the additional language "or vice versa" added to the end of the sentence of Condition No. 3. Moved by Commissioner James Righeimer, seconded by Vice Chair James Fidler.**

During discussion on the motion, Commissioner Righeimer mentioned that he would love to see the sales tax revenue from this business.

Vice Chair Fidler agreed with Commissioner Righeimer adding that there would be no conflicts with the neighbors and this business would not be detrimental to the community.

In reply to Commissioner Egan's request for staff's comments on Condition Nos. 2, 3, and 6, Mr. Lee responded that in Condition No. 2 the intent is to confine the shuttle traffic along East Baker Street and to keep traffic off the surrounding streets. Condition No. 3 reflects vehicle circulation so there are no conflicts with entering/exiting the driveways. Concerning

Condition No. 6, Mr. Lee mentioned that this condition is to make sure that all improvements (including external elevation enhancements) are completed prior to the building being occupied.

Commissioner Egan expressed concern about deleting Condition No. 6 and asked the maker of the motion and the seconder to amend the motion.

A discussion ensued between members of the Commission concerning the owner, the tenant, and keeping the tenant's business.

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.

4. **Parcel Map PM-08-148, for John Steed, for a tentative parcel map to facilitate a three-unit, residential common interest development (approved under PA-07-53), located at 257 16th Place, in an R3 zone. Environmental determination: exempt.**

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

John Steed, property owner, agreed to all the conditions of approval.

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

**MOTION: Approve Parcel Map PM-08-148, by adoption of Planning Commission Resolution PC-08-62, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B".**

**Moved by Vice Chair James Fisler, 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 Righeimer

Noes: None.

Absent: None.

5. **General Plan Amendment GP-08-03, is a City initiated amendment to the 2000 General Plan consisting of:**

**(a) Proposed 2008-2014 Housing Element Update GP-08-03. The City of Costa Mesa has prepared a technical update to the Housing Element of the Costa Mesa General Plan as required by California Law Government Code Section 65588 (e) and has analyzed the potential environmental impacts associated with the proposed Housing Element Update.**

**(b) Draft Supplemental Program EIR. The City prepared a Supplemental Environmental Impact Report (SEIR) to the General Plan Program EIR, as it relates to the 2008-2014 Housing Element update. The SEIR does not change the environmental conclusions of the original Program EIR (SCH#200031120) certified in January, 2002, nor does the SEIR identify new impacts/mitigation measures.**

Principal Planner Claire Flynn reviewed the information in the staff report on the Housing Element and the Final Supplemental Environmental Impact Report (SEIR), mentioning that the Housing Element is updated every 5-7 years and that the Housing Element must comply with State law. She also noted that Veronica Tam of Veronica Tam & Associates, the City's consultant, and Hilda Veturis, Management Analyst, conducted many workshops on the Housing Element. In addition, Ms. Flynn provided overhead pictures and explained the alternatives for the Planning Commission, in addition to reviewing the information in the supplemental memo.

Ms. Flynn introduced Management Analyst Hilda Veturis and Ms. Veturis explained that the Housing Element involves a long

process, including trying to meet with all the social and economic groups. She said staff has worked very hard to receive the State's letter confirming Costa Mesa's Housing Element will be in compliance with State housing element law.

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

Commissioner Clark remarked that he was familiar with the amount of time involved in this process and affirmed and appreciated staff's hard work and diligence.

**MOTION: Recommend that City Council certify Final SEIR No. 1049 and approve General Plan Amendment GP-08-03 for the 2008-2014 Housing Element, and hereby reaffirm the Statement of Facts and Findings and Statement of Overriding Considerations of the original General Plan Program EIR No. 1049, by adoption of Planning Commission Resolution PC-08-63.**

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

During discussion on the motion, Commissioner Righeimer pointed out that receiving this "compliance" document from the State is very important, in addition to being extremely helpful if there is litigation.

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.**

Planning Commission Secretary Kimberly Brandt thanked staff for their work on the Housing Element and specifically thanked Consultant Veronica Tam for all her help.

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

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, AUGUST 11, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 9:43 p.m. to the Planning Commission meeting of Monday, August 11, 2008.

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