

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
January 12, 2009**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., January 12, 2009, 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 Clark 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
City Engineer Ernesto Munoz
Senior Planner Minoo Ashabi
Associate Planner Wendy Shih

III. MINUTES: Minutes for the meeting of November 24, 2008

The Chair approved the minutes as distributed.

IV. PUBLIC COMMENTS:

There were no public comments.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Clark said he hoped everyone had a marvelous

holiday season, and said it was good to be back for this Planning Commission meeting.

Commissioner Righeimer wished everyone a happy New Year.

Vice Chair Fidler also said it was good to be back and wished everyone a prosperous 2009.

Commissioner Egan wished everyone a happy New Year. She said she noticed exterior signs and a roof sign at the jewelry store pawn shops on Newport Boulevard that were recently given project approval by the Planning Commission. She noted the approval was subject to the condition that the words loan and pawn not appear on the exterior signs, but the condition was being ignored she said. She asked if permits were issued for those signs, and wanted to know the current status.

Ms. Brandt said she would research this request and report back to the Commission by the next meeting.

Chair Hall also wished everyone a happy New Year and said he missed seeing his fellow Commissioners during the long break between meetings.

VI. CONSENT CALENDAR:

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

The Chair asked if anyone wished to pull this item from the Consent Calendar to discuss it separately and no one wished to do so.

MOTION: Receive and file.

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.

VII. PUBLIC HEARINGS:

- 1. Zoning Code Amendment CO-08-004 for an ordinance to amend Article 15 of Chapter IX of Title 13 of the Costa Mesa Municipal Code modifying procedures for applications related to reasonable accommodation in accordance with Federal and State Fair Housing laws. Environmental determination: exempt.**

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

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

Commissioner Clark pointed out that the City is not allowed to regulate group homes of six people or less. He stated his concerns relating to the establishment of group homes in residential zones and noted they should be treated as a business. He said this Zoning Code amendment will not regulate group homes, only the State of California could change the rules as they apply to residential care facilities. He suggested pressuring our State representatives to make changes to the regulations.

Both the Chair and Vice Chair Fisler agreed with Commissioner Clark's comments.

MOTION: Recommend that City Council give first reading of the ordinance.

Moved by Commissioner James Righeimer, seconded by Vice Chair James Fisler.

During discussion on the motion, Commissioner Righeimer mentioned that there are external issues caused by these

group homes. He suggested the Commission look into requiring more garage spaces if you add a fifth bedroom to your home. He also pointed out that the City of Fountain Valley requires three garage spaces for a fourth bedroom addition.

The motion carried by the following roll call vote:

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

Noes: Commissioner Sam Clark

Absent: None.

2. **Extension of time for Planning Application PA-07-29, for Patrick B. Tooley/Wilson, Meany & Sullivan, authorized agent for Robin Iles/RREEF America REIT II Corp., for a master plan for Symphony Towers replacement parking for Structure B, located at 531 Anton Boulevard, in a PDC zone. Environmental determination: exempt.**

Senior Planner Mino Ashabi reviewed the information in the staff report and confirmed responding to the Commission that there were no changes to the circumstances of the project since the original approval.

Patrick Tooley, authorized agent for Wilson Meany Sullivan, was present and gave no presentation.

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

MOTION: Approve a one-year time extension for the time period from January 14, 2009 to January 14, 2010 for Final Master Plan PA-07-29 and Minor Conditional Use Permit, by adoption of Planning Commission Resolution PC-09-01, based on the evidence in the record.

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.

3. **Extension of time for Planning Application PA-07-32, for Robin B. Hamers, authorized agent for Costa Mesa Sanitary District, for a conditional use permit to construct a corporate yard including an approximately 5,000 sq. ft. building for Costa Mesa Sanitary District, located at 174 W. Wilson Street, in a C1 zone. Environmental determination: exempt.**

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

Tom Fauth, Assistant Manager of the Costa Mesa Sanitary District, gave a presentation and commented that this building project would be the first green building in Costa Mesa, from the ground up.

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

MOTION: Approve an extension of time for Planning Application PA-07-32 to November 26, 2009, by adoption of Planning Commission Resolution PC-09-02, based on the evidence in the record.

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 Fidler, Commissioner Eleanor Egan, Commissioner James Righeimer, and Chair Donn Hall

Noes: None.

Absent: None.

4. **Extension of time for Planning Application PA-07-35, for Scott and Valerie Vincent, for a design review to construct two, two-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 stated that staff recommends approval of the time extension to March 24, 2011 to coincide with the expiration date for the parcel map. There were no questions of staff.

Valerie Vincent, property owner, was present but did not give a presentation.

Mary Hannah, nearby resident, Costa Mesa, expressed concern regarding noise, trash, and that possibly these condominiums could become group homes.

Ms. Vincent returned to the podium and commented that these two condominiums will be single-family homes, not group facilities.

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

**MOTION: Approve an extension of time for Planning Application PA-07-35 to March 24, 2011, by adoption of Planning Commission Resolution PC-09-03, based on the evidence in the record.
Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.**

During discussion on the motion, Commissioner Clark pointed out that the City cannot regulate whether single-family homes become group homes.

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.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

X. ADJOURNMENT TO THE MEETING OF MONDAY, JANUARY 26, 2009.

There being no further business, Chairman Hall adjourned the meeting at 6:51 p.m. to the Planning Commission meeting of Monday, January 26, 2009.

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