

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

**April 12, 2004**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., April 12, 2004 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Garlich, followed by the Pledge of Allegiance to the Flag.

**ROLL CALL:**

Commissioners Present:

Chairman Bruce Garlich  
Vice Chair Bill Perkins  
Katrina Foley, Dennis DeMaio and Eric Bever

Also Present: Perry L. Valantine, Secretary  
Costa Mesa Planning Commission  
Marianne Milligan, Sr. Deputy City Attorney  
Ernesto Munoz, City Engineer  
Mel Lee, Associate Planner  
Wendy Shih, Associate Planner  
Hanh Tran, Assistant Planner

**MINUTES:**

The minutes for the meeting of March 22, 2004 were held over to the Planning Commission meeting of April 26, 2004.

**PUBLIC COMMENTS:**

None.

**PLANNING COMMISSIONERS  
COMMENTS/SUGGESTIONS:**

Commissioner Foley invited interested parties to attend the Mesa del Mar Homeowners Association annual meeting on April 21<sup>st</sup> at 7 p.m. at Davis School with representatives from both the City and the Orange County Fair to update the status of the fairgrounds and all public properties surrounding the Mesa del Mar neighborhood. She also invited interested parties to the second annual Earth Day in the Park, sponsored by the City and the Fairview Park Friends Committee to be held on Sunday, April 18<sup>th</sup> at 9 a.m. at the picnic shelter at Fairview Park.

Vice Chair Perkins reported that Perry Valantine, he and Commissioner Bever, and Chairman Garlich attended a training seminar sponsored by the League of California Cities. He detailed the some of the classes they attended and felt the experience was worthwhile.

Chairman Garlich said while he was there, he attended a class on legislative activity dealing with land use legislation in the assembly and in the senate at various levels of maturity. He said this process reminded him of the continuing activity in Sacramento in general, with regard to land use and housing issues, which tends to want to usurp local control and take it up to Sacramento and trump anything that a Planning Commission or a City Council may do. In that regard, he said he spoke with Mr. Valantine and would like to suggest that at a future Planning Commission study session, under the auspices of the Commission's education and training objective, that staff give a brief (15-minute) rundown on how the City of Costa Mesa participates in the legislative review of these kinds of things and how the Commission might get more involved, if its appropriate.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS:**

EXTENSION OF TIME FOR  
CONDITIONAL USE PERMIT  
PA-94-24

Jamieson/County of Orange

The Chair opened the public hearing for consideration of an extension of time for conditional use permit PA-94-24 for the County of Orange/Bristol Street Mini Storage, LLC, to extend the expiration date of the existing conditional use permit for outdoor storage of recreational vehicles and mini-storage facility from April 25, 2004, to September 1, 2004, located at 1100 Bristol Street in a C1 zone.

Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report. He said staff recommends approval by adoption of Planning Commission resolution, subject to conditions. He said the reason for that particular extension date is to coincide with the expiration of the applicant's lease agreement with the County on August 31, 2004.

Lee Jamieson, (Bristol Street Mini Storage) Jaco Oil Company, 3101 State Road, Bakersfield, agreed to the conditions of approval.

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

MOTION:  
PA-94-24  
Approved

A motion was made by Commissioner Foley, seconded by Vice Chair Perkins and carried 5-0 to approve extension of time from April 25, 2004 to September 1, 2004, by adoption of Planning Commission Resolution PC-04-29, based on analysis and information in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

MOTION 2:  
1100 Bristol  
Study Session Discussion

A motion was made Commissioner Foley, seconded by Chairman Garlich and carried 4-1 (Perkins voted no), requesting staff to place on a future study session agenda, discussion of potential uses for the County property when the present lease expires for 1100 Bristol Street.

The Chair explained the appeal process.

In response to a question from Vice Chair Perkins, Mr. Valentine stated that the County is not interested in selling the property at this point, but would prefer to lease. There are also County Flood Control facilities under a major portion of the land, which constrains development significantly.

Commissioner Foley said the City still has approval authority over what goes on that site.

APPEAL OF MINOR DESIGN  
REVIEW ZA-03-93

Schubert/Wilson

The Chair opened the public hearing for consideration of an appeal of Minor Design Review ZA-03-93 for Bob Wilson, authorized agent for Victor Schubert, to construct an approximately 3,201 sq. ft., two-story, single-family home, located at 983 Grove Place in an R1 zone. Environmental determination: exempt.

Assistant Planner Hanh Tran reviewed the information in the staff report and gave a visual presentation of the site characteristics. She said staff recommends approval of the revised plans, by adoption of Planning Commission resolution, subject to conditions.

Victor Schubert, 983 Grove Place, Costa Mesa, agreed to the conditions of approval.

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

MOTION:  
ZA-03-93  
Approved

A motion was made by Chairman Garlich, seconded by Commissioner Foley and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-30, based on analysis and information in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

During the motion, Commissioners Garlich and Foley thanked the applicant and builder for working with the City to come up with a better plan.

The Chair explained the appeal process.

VESTING TENTATIVE PARCEL  
MAP PM-03-250 (TWO TOWN  
CENTER)

CommonWealth Ptn. LLC/Selleck

The Chair opened the public hearing for consideration of Vesting Tentative Parcel Map PM-03-250 for Karen Selleck, authorized agent for John Krappman/CommonWealth Partners, to sub-divide approximately 20 acres into 14 parcels (10 for building footprints

and 4 for common areas) for Two Town Center (3200 Bristol Street; 3199, 3200, and 3210 Park Center Drive; 601, 611, 633, and 675 Anton Boulevard), in a TC zone. Environmental determination: exempt.

MOTION:  
PM-03-250  
Continued

A motion was made by Chairman Garlich, seconded by Commissioner Foley and carried 5-0 to continue to the Planning Commission meeting of April 26, 2004.

PLANNING APPLICATION  
PA-03-47/VESTING TENTATIVE  
TRACT MAP VT-16600

Everhart/Calvary Church  
Newport Mesa

The Chair opened the public hearing for consideration of Planning Application PA-03-47/Vesting Tentative Tract Map VT-16600 for the Olson Company, authorized agent for Tim Celek/Calvary Church Newport Mesa, for a design review to construct a 26-unit, two-story, small lot subdivision with a variance from rear yard setback requirements (20' required; 5' proposed) and a minor modification to allow the porches of 2 of the proposed residences to encroach 4' into the required 20' front setback along Orange Avenue, with a vesting tentative tract map containing 26 lots and 6 common lots, located at 170 through 190 23<sup>rd</sup> Street (even numbers only) and 2337 Orange Avenue. Environmental determination: Negative Declaration

Associate Planner Mel Lee reviewed the information in the staff report and gave a detailed visual presentation of the site characteristics. He said staff recommends denial by adoption of Planning Commission resolution. He stated that conditions of approval #11 and #12 would not be required if the Commission approves the proposed plan. Responding to the Chair, Mr. Lee explained that condition #19 requires a buffer area between the tot lot and the residential property to the south; he said the Commission may want to consider rewording the condition to address what would now become the east boundary and would abut the residential development next door.

In response to a question from Vice Chair Perkins regarding staff working together with the applicant on the issue of density with a suggestion to reduce the size of the units down by asking for more Plan 3's to be incorporated to provide more open space, Mr. Lee said staff indicated their concern to the applicant regarding the number of lots proposed as part of this development. In response to another question from Vice Chair Perkins regarding the tot lot, Mr. Valentine said when the plans first came in, it did not include a tot lot and staff commented that there should be some form of common open, or recreational facility within the development and a tot lot would have been one way to do that. In response to a question from the Chair regarding the subjectiveness of the criteria for the recommendation of denial and whether staff has given any substantive advice to the applicant as to what configuration of the project would meet with approval, Mr. Valentine said they did talk about some alternatives and there have been a number of changes to the plan in response to some of staff's earlier comments, including the addition of the tot lot, widening of the street to allow parking on one side of the street so there is at least some additional guest parking on site; lots 21 and 22 previously faced Orange Avenue, but there is a bus stop there and they were reoriented to face 23<sup>rd</sup> street to avoid conflicts between their driveways and the bus stop; and, other changes made in response to staff comments and suggestions. Other potential layouts were also discussed for the site that did not work out, some of which would have probably resulted in a reduction in the total number of units on site which was a concern of the applicants; some would have resulted in turning some of the lots inward, which might have put a blank wall toward the street rather than front yards of lots 21 through 25 and the front yards are more compatible with the surrounding community; initially, they did not have through access and the private street terminated at the north end of the site. He said after discussion with the applicant, they redesigned to allow the

through access to Orange Avenue so emergency vehicles could get in and out in both directions; it also makes it easier for the residents of the site to get in and out and resulted in the loss of a unit on the site. The applicants indicated they could not afford to reduce by any greater number of units and this reduced the options available to making some of the changes that might have addressed staff's concerns with the density. The Chair confirmed that the code allows 12 units per acre and this project is just under 9 units per acre.

In response to a question from Commissioner Foley regarding a revision in rear yard coverage in the Planning Application Summary, Mr. Valantine said the 2,454 square feet (aggregate of all the lots; the portion of the required rear yard covered by building area) is the maximum allowed and the applicant proposes 1,192 square feet which means the project did not exceed the maximum. He said you could cover the rear yard area up to 25% and still be legal.

In response to a question from Commissioner Foley regarding staff's denial relating to density and to setbacks and whether the street could be changed to a one-way street, Mr. Valantine stated that the controlling factor is that the street needs to be at least 25' wide to allow turns into the driveways of the homes on either side of the street; the applicant has widened the street to 28' to allow parking on one side but the 25' is still needed for turning.

Commissioner Foley said she would like to see a plan to plant trees behind every home all along the back retaining wall to improve the view and buffer area.

In response to a question from Commissioner Foley as to whether denial of the variances would have any affect in reducing the density or perceived density, Mr. Lee stated the variance only applies to lots 13 and 25, and theoretically, if the variance was not approved, 2 units may be alleviated from the overall project. In response to a question from Commissioner Foley regarding the minor modification for the porches on 23<sup>rd</sup> street, Mr. Lee explained that the modification will push the porches forward, however, they are providing the 10-foot wide common landscaped area that is a standard requirement for a common interest development. Even though it would be closer to the street, it would still be behind the 10-foot landscaped buffer area immediately adjacent to the street.

In response to questions from Commissioner Foley regarding turf drive strips in the front of driveway approaches, and where the permanent off street parking supplied behind the gate towards to the rear of the Plan 1 homes is located, Mr. Valantine explained that the permanent off street parking is located in the section of the plan shown on page 11 of the applicant's booklet. He said since the garages are at the rear of those lots, the two car parking spaces directly in front of the garage, as it approaches the street, narrows to a single-car width paved area, so a turf area is placed in the middle so the tires are on either side and grass is in the middle to further reduce the appearance of pavement there. The gate is located at the rear of that turf area and is setback far enough that a car can get out to the street.

In response to a question from Commissioner Foley regarding the school across the street and the hours of construction, Mr. Lee stated that the standard code requirement for construction activities, including delivery of materials to the site, is 7 a.m. to 8 p.m., 7 days a week. He said the Commission can modify that requirement as a condition of approval if warranted, particularly, if its across from a school, or immediately adjacent to a residential neighborhood.

In response to a question from Commissioner Foley regarding informal, or formal surveys of current traffic conditions versus anticipated traffic conditions with this project, Mr. Lee stated that as part

of the Negative Declaration, calculations were done for the number of a.m. and p.m. peak-hour trips the site would generate, and it was found to be minimal. There was no comparison done while Calvary Church was operating at this site. Mr. Valentine offered that a qualitative comparison, in that with the church activity there, the peak activity was on weekends and there were hundreds of cars coming to services there and parking not only on site, but also throughout the neighborhood with weekday traffic considerably less than that. At the present time, the church services have relocated to their new site. The proposed homes would generate about 26 trips in the evening peak hours and 26 trips in the morning peak hours and somewhat less on weekend peak hours. Overall, the project may generate 200-300 trips per day, on a 7-day basis, but not concentrated like the previous use.

In response to a question from Commissioner Foley as to whether there is a plan for a minimal tree planting area along the driveway, and if the very large pine tree that screens an existing development to the north (Brandywyne) from the proposed development is to be removed, Mr. Lee said he believed the landscaped area is a 3-foot width which is not of sufficient width to accommodate a tree of any size and most of the existing trees on the site will probably be removed as a result of this development. He pointed out, however, that staff has incorporated the standard requirement that requires trees to be replaced on an equal number basis. Staff also required that canopy trees be planted along the private street, but it was not incorporated as a condition of approval and need to be added if the Commission chooses to approve the project.

Eric Everhart, authorized agent for the applicant, 3020 Old Ranch Parkway, Seal Beach, agreed to the conditions of approval. Mr. Everhart gave a brief history and synopsis of the Olson Company's achievements and awards. He reviewed the site plan, individual homes, site characteristics; and landscaping. He also discussed the issues of density, compliance with code, and concessions made to date for the proposed project. He also said the development will have canopy trees, an elaborate entryway, and the street would be built with pavers instead of asphalt, giving it a "plaza" effect. He also noted that the project exceeded the open space requirements. He said this is a high-quality, attractive, and pedestrian friendly product.

Don White, William Hezmalhalch Architects, 2850 Red Hill Avenue, Santa Ana, addressed the issue of density, and displayed several perspective renderings, which depicted the different styles of homes from several angles, including elevations and building materials. He also discussed how the homes would appear in the streetscape and what techniques would be used to soften the project's appearance.

In response to a question from the Chair regarding reducing the number of units, Mr. Everhart said they have already reduced the number of units from 34 to 26 and he did not feel they could feasibly afford to lose any more homes.

Mr. Everhart stated that in working with Public Services, they were able to solve the problem of flooding on 23<sup>rd</sup> Street. They have installed a 42" pipe that has been incorporated into the site that diverts the water off of 23<sup>rd</sup> Street to Orange Street. The Olson Company has provided articulation services on all four sides of the homes and modified the street width to accommodate the Fire Department vehicles and to accommodate additional residential and guest parking.

In response to Vice Chair Perkins' question regarding community meetings, Mr. Everhart said that they held 2 community meetings. He explained that the first community meeting was held in the fall

of 2003 with people located within a 500-foot radius of the project site. Notice was given through a mail-out flyer. The second community meeting was held with the neighboring community of Brandywyne approximately 1-1/2 months ago. In response to Vice Chair Perkins, Mr. Everhart stated that approximately 40 people attended the first meeting of which only 4 people at the most, had issues with the project. He said the second meeting was with the Brandywyne Association and they had issues, particularly, with the tot lot. In conclusion, Mr. Everhart displayed a site plan depicting all of the site revisions to date.

There was discussion between Commissioner Foley and City Engineer Ernesto Munoz regarding the sufficiency of the number of curb cuts for the proposed project and it was found to be reasonable.

The Chair asked Mr. Everhart if he was in agreement with the conditions of approval as stated in the staff report, with the addition of a condition of approval regarding the canopy trees on Street "A" as recommended by staff, and that a notation be added to the CC&R's requiring that cars be parked in garages. Mr. Everhart agreed to all of the conditions of approval.

In response to a question from Vice Chair Perkins regarding switching out to smaller Plan 3's, and reducing the size of units to relieve the density, Mr. Everhart stated their preference is to leave the project as revised to this date.

In response to another question from Vice Chair Perkins, Mr. Everhart agreed to a condition to prohibit construction on Sundays. In response to a question from Commissioner Foley, Mr. Everhart stated that all utilities for the site are underground with no added poles outside the site disturbing the other communities.

There was discussion among Commissioner Foley, Mr. Everhart, and staff regarding the existing wall, building a new wall, or removing the wall, and what other options there might be.

There was also discussion between Commission Foley, and Mr. Everhart regarding planting trees adjacent to the existing multi-family homes (top of the site on the plan), and whether there is sufficient space within those backyards without overwhelming the yards. They also discussed the removal of the large pine tree that buffers the Brandywyne town homes. Mr. Everhart said he would look into it.

There was discussion between the Chair and Mr. Valentine concerning the feasibility of changing out two of the Plan 2 homes and replacing them with Plan 3 home to create less density, as Vice Chair Perkins previously suggested. Mr. Valentine did not feel this would make much of a difference, but he said staff could look at it.

There was discussion between Commissioner Foley and Mr. Valentine on the subject of "perception of density."

Mitchell Samuelson, attorney representing some of the homeowners of nearby Brandywyne Terrace, 1 Park Plaza, Irvine; Charles Spence, 119 East 23<sup>rd</sup> Street, Costa Mesa; Douglas Bader, 198 Brandywyne Terrace; Heather Somers, east side resident; Don Knipp, 247 23<sup>rd</sup> Street; Steve Lagere, owner of a house at Orange Avenue and 23<sup>rd</sup> Street; Dana Lavin, 2337 Elden Avenue; Mary Jo Hollingshead, manager of a 20-unit apartment complex at 2324, and 2332 Elden Avenue (Villa Madeira Apartments); Tim Hoover, owner of a home at 320 23<sup>rd</sup> Street; Brad Truly, 178 Brandywyne Terrace; Hiedi Starez, 195 Brandywyne Terrace; Jeanne Tarazevits, 263 23<sup>rd</sup> Street; Michael Scharnell, 2296 Orange Avenue; Terry Shaw, 420 Bernard Street; Laurie Walker, 128 East Wilson Street; Tim Celek, 498 Broadway; Erik Williams, 2157 San Michel Drive; Robyn Reilly, 268 Flower Street; Beth Refakas, 320 Magnolia

Street; Tom Walker, 128 East Wilson; Anne Cant, 2337 Elden Avenue; Barbara Burns, 191 Brandywyne Terrace; Paul Steiner, 277 East Wilson Street; Ben Chun, 2306 Elden Avenue; Mike Keeler, 2260 Orange Avenue; Mario LaPazo; 2212 Santa Avenue; Costa Mesa discussed the following issues regarding the project: (1) density of the project; (2) noise from construction in relation to hours of operation/days and weekends; (3) concerns about property values; (4) red curbs and the safety of children; (5) which side of the street parking will be allowed; (6) how the 40% open space calculations were arrived at for the site as a whole, and for each individual lot within its boundaries (some residents felt the back yards were already too small and that adding trees would take away from the open space); (7) the construction of a wall at the back of the property and the grade the homes will be built at; (8) the Sanitary District established that trash pick-up would be done, both on-site and individually, in front of the homes on Orange Avenue and 23<sup>rd</sup> Street; (9) surrounding residents acknowledged receipt of the City's notification, but felt the Olson Company did not notify most of the residents within a 500-foot radius about their project meetings; (10) two Brandywyne Terrace residents had possible privacy issues with Lot #11 in the proposed project; (11) a suggestion was made that a run-off study be conducted because of possible potential flooding problems at the site or caused by the proposed project; (12) the proposed tot lot was moved to a more accessible area than was originally planned, however, one speaker felt it was still not accessible enough and might be detrimental to the safety of children because it is located near a parking lot; there were other child-related safety issues discussed relative to traffic; (13) current and anticipated traffic problems were another subject of discussion; (14) the anticipated impacts of parking on surrounding residences when the proposed project becomes a part of the neighborhood were also discussed; (15) there was concern regarding whether SUV's would fit into the proposed garages; (16) there is a loss of spaciousness about the homes and the lots they are on; (17) it was generally felt that all the homes for this project should have 20' setbacks; (18), there was discussion that the property should be rezoned to I&R [property zoned R2-MD]; and there were several accusations that the Olson Company did not send out flyers to residents notifying them of the meeting last fall because they were never received [the speakers generally all received notification of this public hearing from the City for which the mailing list was also provided by the applicant].

Other speakers included in the list above were in favor of the project and commented as follows: (1) they were pleased that these are single-family homes instead of apartment buildings or condominiums; (2) they felt this project would improve the property values of the neighborhood and would bring home buyers to the area; (3) many felt it was generally a good project and should not be denied; (4) they commented that the architect and developer made many concessions and changes to accommodate staff and the concerns of surrounding neighbors, bringing the proposed project from a density of 34 units to 26 units; (5) the project meets, and in many cases, exceeds the code requirements; (6) they also felt that any further legitimate concerns could be mitigated because the developer has been very responsive and accommodating to the neighbors; (7) it seems inappropriate to attach Lindbergh School problems and issues to this project because they are in no way connected; (8) Other cities have spoken very highly of the Olson Company and the individuals in this project; and (9) some speakers felt the project is even more appropriate than what is required by the City's General Plan.

Members of the Board of Directors for Calvary Church Newport Mesa, Edward Nicholas, 2833 Monterey Avenue, Costa Mesa; Scott Laidlaw, 222 Fairway Place, Costa Mesa; Dale Winson; 438 3<sup>rd</sup>

Street, Laguna Beach; Dan Stewart (contractor for the development), Idaho Street, Costa Mesa, also spoke on behalf of the project and the Olson Company for their impeccable plans and their obvious ability to make changes and accommodations to allay surrounding community concerns. They discussed the nature of the plans, the elevations, open space features and perception, and explained how the density does and does not work on this site. Mr. Nicholas stated that an extensive background check was conducted on the "Olson Company" and the findings showed they are a very reputable firm and a family of people in good standing. They also discussed the alternatives of multi-family, higher density construction projects and pointed out that there are no lower density projects except as proposed in this case. The Church made an effort to find an architect who would listen and be sensitive to the issues of the residents. It was also suggested that the code be looked at specifically to address issues of larger homes on smaller lots even if they comply with the code and meet the 40% minimum open space requirement.

Billy Hayden from Newport Terrace, Newport Beach, stated that he was the sound engineer for the meeting called by the developer for the surrounding residents regarding this project. He said there was in fact, approximately 40 people as previously stated and he further confirmed the issues including removal of a large tree that residents wanted to remain.

Eric Everhart, authorized agent for the applicant, 3020 Old Ranch Parkway, Seal Beach, returned to address the issues. He said the project being proposed has less density than most of the residents who spoke, actually reside in. He said this is a superior product; with all four sides of each home elevated. Planning has done their due diligence in looking at this product, and have themselves, determined it's a superior product. He said one speaker was concerned about drainage from the site, so he noted the project is in compliance with AQMD regulations. He said that during the meeting they held for the residents to discuss the project, traffic was not an issue with this site and never was. He said the Olson Company *is* concerned about the neighbors issues such as the noise, construction traffic, etc., and they are willing to be conditioned to mitigate those issues; i.e., especially having Sunday off, and typically during the week, there will not be construction people working until 6 or 7 p.m. because they are usually gone by 3 or 4 p.m. Many of the issues are just not issues. He said the Olson Company respectfully submits this plan to the City and that they have worked with great diligence to try to understand and supply attractive, high-end homes. He commented that it's a "tough problem" when people want to move into Costa Mesa because people like to live here and they believe they are building a product that will attract people to Costa Mesa.

Chairman Garlich confirmed with Mr. Everhart that he agreed to no construction on Sunday, and asked if they would be willing to limit construction to 8 a.m. to 6 p.m., Monday through Friday, and from 8 a.m. to 2 p.m. on Saturday. The Chair said the two primary concerns raised by neighboring residents are density and landscape screening around the periphery of the project. He said the recognition by residents, is that some unavoidable disturbances will occur with construction taking place when something is eventually built on this property. He asked Mr. Everhart how he felt about a continuance to address those issues.

Mr. Everhart said they would agree to a continuance. Commissioner Foley said she supports a continuance because she believed it is necessary to address all of the concerns that were raised tonight. She said she agrees with a previous speaker in that maybe our Gen-



eral Plan needs to be revised. She said she doesn't believe it represents what the community says they want. It has to be dealt with on an individual "case-by-case" basis. She said since she has been on the dais, she did not believe there has been one residential development that has come in and been approved with what is allowed under the General Plan at both Planning Commission and City Council levels, because its not reflective of what the residents in the surrounding neighborhood want. That has to be taken into consideration because it's not just about the people who are going to move into those homes, but the existing neighborhood as well. The issues that need to be addressed are side setbacks, landscaping of the perimeter of the property, and construction issues that may need to be individually addressed between Brandywyne Homeowners Association and the developer. She said it is important to consider the fact that these homes are so close to this development, and they are going to be blasted with dust and debris, no matter what attempt is made to mitigate that, and so every effort should be made—especially in those homes where windows cannot be closed during the summer months.

There was discussion between Mr. Everhart, the Commission, and staff regarding a change of the continuance date and sufficient time to accomplish completion of what the applicant proposes.

MOTION  
 PA-03-47/VT-16600  
 Amended and called later

A motion was made by Chairman Garlich, seconded by Commissioner Foley to continue the item to the Planning Commission meeting of May 10, 2004. The motion was amended and called after the Commission made their comments (see below).

Vice Chair Perkins said although he could appreciate the reasons for the continuance he could not support the motion because he said there were 32 speakers for this item and they did not come intending to see it end in a continuance, but for the Commission to take action. He said the Commission has a tendency to continue items and its somewhat discouraging, but whether the project fails and ends up at the City Council level, or whether it gets approved, a decision could have been made having sat through more than 3 hours of testimony and now we are intending to do it all over again. He said previous speaker Erik Williams couldn't have said it more clearly, "you are not going to make everybody happy regardless of what you do." He apologized to the listening public for the indecisiveness of the Commission and said he wanted to make a decision this evening.

Commissioner Eric Bever asked the listening audience if they understood that even if the Commission voted against this project, it could be appealed to the City Council who would then hear it. He said he also lives in a town home community like many of the surrounding residents with a vacant 2-acre piece of property next to them and he said he could not express the horror that has gone through the minds of the neighborhood. That property has been available for development for the last 5 to 6 years. A developer did come in; wanted to build single-family homes and he got sent packing. It's R2 zoning and they can come in and build town homes, six adjoining because the zoning allows that. He said he understands their concerns about density and traffic because we all have those concerns; this is becoming a very dense City. He said the concern is that the residents may end up getting a far worse product than what they are being faced with now. He said it is his understanding that the Olson Company *is* a very reputable firm and they will deal with neighborhood concerns if allowed to. Based on his reading of this plan, with the exception of a couple of setbacks, which they are asking for a change simply because our City law says this a "rear" setback", when in fact, the way the lots lye, it's a "side" setback which is 5 feet required. The variances are minimal and inconsequential. From his perspective, this applicant and this project meets and ex-

ceeds all standards—at 26 units, they are proposing 26% fewer units than what the law allows. They could by law, pursue 34 units and they would be an adjoining town home type project which would create much worse parking problems. In addition, there was concern over the narrowness of the streets. The Planning Institute seminar in Monterey at which the Chair, Vice Chair, and he attended last week, confirmed that narrow streets create “traffic calming.” That creates a sense of “neighborhood” and slows the cars down and is one reason why it is implemented. He said the zoning code requires a 3,000 square-foot minimum lot size. The lots proposed for this project are between 3,361 square feet and 5,320 square feet, which vary between 10% and 60% larger than code requires. With regard to the density, the code requires 3,630 feet per dwelling unit; this plan provides 4,872 square feet per dwelling unit; 33% more than required by the zoning code. In terms of open space, the project is at least 10% above the open space requirements. In comparison to neighboring properties, in units per acre, the project is below the neighborhood average. For on-site parking, they are providing about 200% more parking than is average in that area. They are so far ahead of what they could have proposed and what many residents live in, including himself. He said he believed this is an asset to the community and it’s a shame that we have standards that developers spend thousands of dollars trying to meet our requirements to bring a good product to our community and we send them packing. He said he could not support the motion either because the developer has done their due diligence along with staff and in fact, if we have an issue, the citizens should have been here 3 or 4 years ago asking that the General Plan be amended to reduce the density.

Commissioner DeMaio said he couldn’t support the motion either but there was some discussion regarding the time element. Commissioner Foley said she had no problem voting tonight but she believed the community wants the Commission to give this decision a more thorough look and that’s why she suggested the continuance.

Mr. Everhart said the Olson Company believes in the merits of the project and what has been proposed. He said they could come back within 3 days.

After further discussion regarding the date of continuance, the Chair amended his motion for a continuance to the meeting of April 26, 2004 and the second concurred. The Chair said he supported much of what he has heard and believed the Olson Company has done a good job of complying with the standards for the City and the people who live there have legitimate concerns. He said he also agrees that the small lot development standards have been successfully applied to developing small lots, but this is a 3-acre lot and in his experience, he did not believe the Commission has applied this criteria to something this big. Commissioner Foley added that a continuance is not an indication of sending anyone “packing.” It is not uncommon in cities that really care about residential concerns. Commissioner Bever explained that he lives in an area also zoned R2-MD on 4 acres with 33% more land with 64 units; its highly livable and desirable with people trying to buy homes in there all the time. He asked how the Commission could direct the Olson Company and he was still not comfortable with the motion.

Commissioner Foley clarified that she would like to see an extra perimeter of landscaping around the retaining walls so that there can be adequate screening provided; all the side setbacks be averaged as required. She was not sure she liked the “jogged” side setbacks because she felt it added to the density of the development and she would like to see that addressed for much of the development. She said those are her top key concerns at this time.

There was discussion between Commissioner Bever and Commis-

sioner Foley regarding this evening's decision based on the agreement that the Olson Company would make those concessions.

Vice Chair Perkins asked for the question to be called.

MOTION  
PA-03-47/VT-16600  
Continued

There were no further comments and the Chair called for the vote, which carried 3-2 for a continuance to the Planning Commission meeting of April 26, 2004 (Perkins and Bever voted no).

RECESS:

The Chair called a break and the meeting resumed at 10:25 p.m.

PLANNING APPLICATION PA-03-49/VESTING TENTATIVE TRACT MAP VT-16526

The Chair opened the public hearing for consideration of Planning Application PA-03-49/Vesting Tentative Tract Map VT-16526 for Andrew Patterson, authorized agent for HGC Irvine, LLC/Garrett Calacci, for a design review to construct a 6-unit, two- to three-story, small lot, common-interest development and variances from number of stories and building height (two stories/27' high maximum allowed; 3 stories/34' high maximum proposed on Lots No. 4-6); with a vesting tentative tract map containing 6 residential lots and 2 common lots, located at 2455 Irvine Avenue in an R2-MD zone. Environmental determination: exempt.

Calacci/Patterson

Associate Planner Wendy Shih reviewed the information in the staff report and gave a visual presentation of the site characteristics. She said staff recommends approval by adoption of Planning Commission resolution, subject to conditions.

Andrew Patterson, 3100 Airway Avenue, Costa Mesa, agreed to the conditions of approval.

Paul Urget, 2463 Irvine Avenue (Northbay Town homes), Costa Mesa, indicated he lives directly north of the proposed development and is definitely in favor of this project; however, he was concerned about view impacts from lots 1 and 3.

Dawn Pfaff, 2459 Marseilles Way, Costa Mesa, was also in favor of the development, but she had a concern regarding the removal of a retaining wall and the use of the road by new homeowners in the proposed project. The Chair confirmed the three units on the back of the property would take access from Monaco Terrace and the others would take access off Irvine Avenue. Ms. Pfaff said she opposed access from Monaco Terrace.

Rick Roberts, 370 Seville Lane, Costa Mesa, said he bought on Monaco Terrace because it is a quiet residential street. The idea of having an exit from even one unit was not acceptable and asked the Commission to take this into consideration because from his house to the wall he has only about a 4-foot clearance.

Fran Gioia, 392 Sunrise Circle (Backbay Village Town homes), Costa Mesa, said the height is too high and needs to conform to the law and the variance should not be allowed. There are no three-story units on the east side of Costa Mesa.

Commissioner Foley confirmed with staff, that these are not three-story units in the sense that the lower level is below grade. The homes will be the same height as all other homes in the area.

Terry Shaw, 462 Bernard Street, Costa Mesa, said the condition of approval #4 which allows the grade level to be approximately 2-1/2' above neighboring properties and could create flooding on those properties. He said condition of approval #15 says the applicant shall work with the adjacent property owners to prevent side-by-side walls with gaps between them and that he hoped it would be incumbent upon the developer to absorb any associated costs. He said condition of approval #17 concerning the hours of construction should be changed accordingly as discussed in previous agenda items.

Kirsten Sverdrup Rosinson, 380 Sunrise Circle, Costa Mesa, was

concerned that traffic would now be coming and going from two access points. She said it is true that flooding does occur in that area and the concern is sincere. She also said she would like to see this project go in but would first like to see that her concerns are addressed.

Chairman Garlich asked the applicant why all access could not be taken from Irvine Avenue. Mr. Patterson explained that the reason for splitting it up is to relieve some of the traffic going onto Irvine. He said traffic on Monaco Terrace is light and the street itself is very wide, and there is plenty of parking available on both sides of the street. He said regarding Mr. Urget's concern about views, the wall will become a large berm and the first floor entries will open to the berms below grade and his views would be partially unobstructed; he will not look down and see 3-story homes standing up as anticipated, but rather, he will look down the street and see only the berms with 2-story homes standing with entries/walkouts from the dining/living room areas on the other side.

In response to a question from Commissioner Foley regarding the retaining wall, Mr. Patterson explained that it will remain and the berm will continue upward from the wall to the second story of each home giving the illusion of a 2-story home.

Mr. Patterson explained that there is ample sewer, water, phone, electrical, etc., all of which is on Monaco Terrace and it is the same on Irvine; both projects are equally serviced and there is no "cross-lot" drainage; everything has its own share out to the street. Parking and traffic should not be a problem. He said the design fronts 3 homes off Monaco Terrace and 3 homes off Irvine Avenue and there is no way for anyone from the Irvine Avenue access, to access Monaco Terrace because there is a 10-foot grade differential.

In response to a question from Vice Chair Perkins, Mr. Patterson agreed to a condition of approval eliminating construction work on Sundays and federal holidays.

In response to a question from Commissioner Foley regarding an exit with headlights going directly into former speaker Rick Robinson's home, Mr. Patterson stated that would not happen because the access is above grade and you would have to travel some 20 feet down to make that happen.

Joan Pangle, 2420 Lesparri Way, Costa Mesa, asked what the distance was from lot 6, parallel to the curb of Monaco Terrace. Mr. Patterson said it was approximately 25 feet.

Fran Gioia, 392 Sunrise Circle (Backbay Village Town homes) returned for a point of clarification. She said there are no sidewalks throughout their community and the project was built in 1964; the wall is on an easement that belongs to the City. She asked how these people are going to get their cars in and out; are they going to back down that driveway coming onto her street, which is Seville.

City Engineer Ernesto Munoz stated that the developer is required to build sidewalks on the site. Mr. Patterson said they do have sidewalks and they are shown on the plans.

In response to a question from Mr. Roberts to clarify construction operations, Mr. Patterson stated they would be working from both Irvine Avenue and Monaco Terrace.

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

MOTION:  
PA-03-49/VT-16526  
Approved

A motion was made by Chairman Garlich, seconded by Commissioner DeMaio and carried 5-0 to adoption of Planning Commission Resolution PC-04-31, based on analysis and information in the Planning Division staff report, and findings contained in exhibit "A", sub-

ject to conditions in exhibit "B" with the following modification:

Condition of Approval

17. No construction on Sundays and Federal holidays.

During the motion Commissioner Foley said she would like Mr. Patterson to work closely with Mr. Robertson and the adjacent neighbors for the impacts during construction. Mr. Patterson agreed.

The Chair explained the appeal process.

VARIANCE PA-04-06/TENTATIVE PARCEL MAP PM-04-114

Cefalia

The Chair opened the public hearing for consideration of Variance PA-04-06 and Tentative Parcel Map PM-04-114 for Joseph Cefalia, to subdivide an existing lot into two with variances from minimum lot width requirements (100' required; 80' and 60' proposed) and minimum lot area requirements (12,000 sq. ft. required; 8,000 sq. ft. and 6,000 sq. ft. proposed), located at 2325 Orange Avenue in an R2-MD zone. Environmental determination: exempt.

Associate Planner Mel Lee reviewed the information in the staff report and gave a visual presentation of the site characteristics. He said staff recommends approval by adoption of Planning Commission resolution, subject to conditions. Mr. Lee stated that staff added a condition requiring a Land Use Restriction be recorded on both properties stating that at no time, would any second dwelling unit be permitted on either parcel. The purpose is to reinforce the use of the properties as one-unit residences on each lot and is consistent with the City's General Plan, which allows disincentives for developments whenever there is a lot combination that is not proposed and in this instance, the lots are becoming smaller than allowed under the zoning code.

In response to a question from Commissioner Foley regarding justifying the variance if the present structures were torn down and new ones built, Mr. Lee said the variance would be considerably more difficult to justify without the existing structures on the site. Mr. Valentine stated the important point is, that with the land use restriction, whether the existing homes are retained, or whether new homes are built, they will essentially function as single-family lots and is the basis for staff's recommendation on the variance.

Joseph Cefalia, 1312 Dover Drive, Newport Beach, agreed to the conditions of approval.

In response to a question from Commissioner Foley regarding an old shed in the back, Mr. Cefalia stated that he would remove it. In further response, he said he planned to revitalize the structures by repainting the interiors and exteriors with new updated colors; remove much of the older landscaping and replanting new landscape.

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

MOTION:  
PA-04-06/PM-04-114  
Approved

A motion was made by Vice Chair Perkins, seconded by Commissioner Foley and carried 5-0 to approve by adoption of Planning Commission Resolution PC-04-32, based on analysis and information in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

PLANNING APPLICATION PA-04-07

Sparks Enterprises/Perez

Withdrawn

Planning Application PA-04-07 for Andy Perez, authorized agent for Tom Sparks, for a variance from front landscape setback requirements (20' required; 8'-6" proposed) and parking area landscape requirements, for the construction of a new parking lot, located at 1538 Adams Avenue in a C1 zone. Environmental determination: exempt. This was withdrawn by the applicant.

**REPORT OF THE DEVELOP-**

None.

**MENT SVS. DEPARTMENT**

**REPORT OF THE SR. DEPUTY** None.  
**CITY ATTORNEY**

**ADJOURNMENT:**

There being no further business, Chairman Garlich adjourned the meeting at 11:07 p.m., to the study session of Monday, April 19, 2004.

Submitted by:

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PERRY L. VALANTINE, SECRETARY  
COSTA MESA PLANNING COMMISSION