

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

August 14, 2006

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., August 14, 2006 at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Bill Perkins, followed by the Pledge of Allegiance to the Flag.

ROLL CALL:

Commissioners Present:

Chairman Bill Perkins
Vice Chair Donn Hall
Eleanor Egan
James Fisler
Bruce Garlich

Also Present: R. Michael Robinson, Secretary
Costa Mesa Planning Commission
Harold Potter, Assistant City Attorney
Ernesto Munoz, City Engineer
Kimberly Brandt, Principal Planner
Claire Flynn, Senior Planner
Mel Lee Senior Planner
Wendy Shih, Associate Planner
Rebecca Robbins, Assistant Planner

MINUTES:

The minutes for the meeting of July 24, 2006 were accepted as corrected.

PUBLIC COMMENTS:

Mike Barry, 2064 Meadow View Lane, Costa Mesa, commented that hotels and motels are used for housing sex offenders and released felons. He felt crime is a growing problem and he encouraged the public to speak with their City Council Member (s) and voice their concerns about changes they would like to see in order to decrease the number of felons and offenders residing in the City.

Martin Millard, 2973 Harbor Boulevard, Costa Mesa, commented on the environmental toxins being generated and released into the air by businesses on the bluffs. He said that at least one candidate running in the upcoming elections for City Council, should consider that concept for the health and safety of our children.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

None.

PUBLIC HEARINGS:

ORDINANCE: FLOODPLAIN
MANAGEMENT REGULATIONS & TECHNICAL TERMINOLOGY FOR NATIONAL FLOOD INSURANCE PROG.

City/Dept. of Water Resources

The Chair opened the public hearing for consideration of an ordinance of the City Council of the City of Costa Mesa, California, amending Title 13 of the Costa Mesa Municipal Code (CO-06-06) to include current Floodplain Management Regulations and technical terminology for continued eligibility in the Federal Emergency Management Agency's (FEMA) National Flood Insurance Program. Environmental determination: exempt.

Assistant Planner Rebecca Robbins reviewed the information in the staff report and gave a presentation. She said staff was recommending to City Council, that they give first reading to the ordinance.

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

MOTION:

CO-06-06

Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Vice Chair Hall and carried 5-0 to recommend to City Council that first reading be given to the ordinance.

DRAFT PROGRAM
ENVIRONMENTAL IMPACT
REPORT NO. 1052
(SCH#2006011077)

The Chair opened the public hearing for consideration of EIR No. 1052 for the North Costa Mesa High Rise Residential Project located generally north of the Interstate 405, east of Bristol Street, south of Sunflower Avenue, and west of Sakioka Drive. The 45-day public review period is from July 19 to September 1, 2006, and copies of the document are available at Costa Mesa City Hall at 77 Fair Drive, 2nd Floor, Mesa Verde Library at 2969 Mesa Verde Drive East, and Costa Mesa Library at 1855 Park Avenue.

Senior Planner Claire Flynn reviewed the information in the staff report and made a presentation. She said each of the 5 projects' master plans would be considered individually by the Commission and that hearings are set for September 11th. She said staff was recommending this evening, that Planning Commission receives public comment and adds their own comments as well. She noted that most comments will not be responded to this evening; however, staff will provide a response to each comment and prepare a "Response to Comments" document to provide further opportunity for the public to review Planning Commission comments and responses, as well as their own.

Daryl Zerfas, Consultant with Austin Foust, Santa Ana, gave a brief summary of the traffic study prepared for the projects' EIR.

In response to Commissioner Egan regarding the calculation of the trip budget and whether it reflects the time of day during which the trips are concentrated, Mr. Zerfas explained that the trip budgets established by the City in this area, are for both the a.m. peak hour and the p.m. peak hour; the two most critical time periods of the day. Commissioner Egan asked that when there is demolition of a movie theater which doesn't typically produce peak-hour traffic, and it is replaced with an office building or residential use that produces peak hour traffic, how does the calculation in the EIR reflect that. Mr. Zerfas explained that the offset of the trips is from the aggregate total of all the removals and all the new proposals. The movie theater is a good example because it does not offset very many of the new trips to be generated by the proposed residential uses because most of its trips are in the off peak period. The offset occurs primarily through the office building uses that are being replaced.

Commissioner Egan said she is trying to get a good understanding of the traffic concept. She believed she heard that there is a net increase of 8,000 square feet of commercial, and if that is true, and residential is being added on top of that in a significant amount, how is it that the traffic doesn't increase that much? Senior Planner Claire Flynn explained that the 8,000 square feet refers to roughly 2,500 square feet of retail that ancillary retail proposed for The Californian and an additional 6,000 square feet of ancillary retail proposed for the Symphony Towers, however, it does not represent a net increase of additional commercial square-footage because for the most part, these projects are either demolishing different structures, or taking the place of an unbuilt commercial office building or hotel building. She said they would provide a summary table that shows what the changes are and what the net differences are (increase and decrease) to clarify the inquiry.

Commissioner Garlich noted that the Executive Summary on traffic notes the mitigation measures T2 and T3 talk about the costs in both Costa Mesa and Santa Ana for intersection improvements that the applicants would have to make. He asked Mr. Zerfas to summarize the nature of those improvements. Mr. Zerfas explained that the improvements are essentially a carry-over of the mitigation measures, previously identified for the development in this area—the entitlements that are being replaced have mitigation measures that are being carried through and are still in effect. They would all have been looked at as part of either the previous EIR's prepared for the projects in this area, or as part of the update of the City's General Plan that was prepared a few years ago. He said they would prepare a summary to that effect. Commissioner Garlich said he appreciated that because the two projects in Costa Mesa do not include that and they are at Park Center and Sunflower, Bristol and Paularino and he would like to know what those improvements are.

Ms. Flynn wished to express that the overall project would also involve amendments to the City's policy documents and regulatory documents including the General Plan, Zoning Code, and North Costa Mesa Specific Plan. She noted The Californian, not Town Center, is the only proposal that is being proposed as the "final" master plan with building architecture, and landscape plans; the others will be "preliminary" mas-

ter plans.

Commissioner Garlich stated that the only significant impact that cannot be mitigated is in the air quality area and it has to do with “reactive organic gases” (ROG). The EIR points out that those are principally consumer products and architectural coatings. In response, Ms. Flynn stated that reactive organic gases refers to those emissions that typically occur during construction of a major development project and the emissions will come from the architectural coating materials, sprays, liquids, and sealants used during the construction of these buildings, in addition to solvents, paints etc., that are used inside the buildings.

In further response to Commissioner Garlich regarding the same issue, Shawna Schaffner with Culbertson, Adams & Associates, 89 Argonaut, Alisio Viejo, addressed the “operational impacts” or reactive organic gases over the long term. She said it means products that are used in the upkeep of the high-rise buildings such as, paint, maintenance products for lawn or landscaping care; roof top decks need to be maintained which will include solvents and upkeep products used in the maintenance of a high-rise building, or any building, and would be considered ROB. She said they also have consumer products such as hair sprays. In further response to Commissioner Garlich regarding the exhaust systems for these buildings, Ms. Schaffner explained that all of these buildings would be equipped with ventilation systems; generally, air conditioning units because they filter the contaminants, however, she said there is still some level of pollution.

In response to a question from the Chair, Ms. Flynn confirmed that this evening’s comment is on the EIR and not the individual projects at this point.

Jean Forbath, a 42-year resident of Costa Mesa, and a member of the Costa Mesa Housing Coalition commented that the Costa Mesa General Plan Housing Element, implies that this is something the staff and City leaders would also advocate for. She believed in recent years, especially since 2002, the City has failed in its commitment to work towards that goal and to implement objectives of the Housing Element. She said the proposal being discussed this evening, is another example of a large project containing hundreds of proposed units, none of which will be affordable to low income people. She said they challenge the completeness of the Draft EIR as it pertains to housing, population, and employment. She said it lists some objectives from the Housing Element which the project fulfills, and therefore, determines that there is no mitigation needed. However, she believes that the EIR ignores other pertinent goals and objectives, such as Goal #4, to ensure that all existing and future housing opportunities are open and available to all social and economic segments of the community”, and Goal #3, to provide adequate suitable sites for residential use and development, or maintenance of a range of housing that varies sufficiently in terms of cost, design, site location, and tenure to meet the housing needs of all segments of the community. The Housing Element also states, “The City’s Planned Development Zones (like this) encourage very low and low income housing, and the more efficient use of land through innovative planning centers.” Ms. Forbath said she realized that all this does not mean that every project has to have affordable housing for all. It does mean that as a whole, the City is required to have housing accessible to all income levels and for all special needs. RHNA stated that Costa Mesa construction needs for very low, and low income units from 1999 to 2005 was to be 445 units, according to the 2005 General Plan Annual Review, only 10 affordable units have been constructed. Since 2002, 49 affordable units are being built or have been approved, bringing the grand total to 59 affordable units since 1998.

Diane Russell, also a member of the Costa Mesa Housing Coalition, and the Kennedy Commission, stated that the Housing Element also points out, on page 49, that there are only 80 vacant residentially-zones acres left in Costa Mesa and half are in the North Costa Mesa Specific Plan Area. She said they looked to be reserved for upscale, market rate apartments and condominiums. The Draft EIR states that between

2005 and 2025, Costa Mesa’s population will increase by 16,746, and that this project will have an estimated 3,173 people, or 19% of the projected growth. Because of the nature of the project, this percentage of people will undoubtedly be above moderate income. The EIR concludes it will not have a significant impact on population because 13,573 of the remaining total will be available to other developments. How many of that figure will be low income residents who are able to find housing, or will they be moderate income and above because they are the only ones who can afford to live there? Ms. Russell said that Costa Mesa rents are way beyond the affordability of both very low and low income members of this community.

Kathy Esphani, Costa Mesa resident and a member of the Costa Mesa Housing Coalition and past president of the Board of Directors of the Public Law Center of Orange County, explained that the Draft EIR states that Costa Mesa is job rich and housing poor, that there are 3.5 jobs for every new housing permit; a serious job/housing imbalance, and that Costa Mesa needs additional housing to maintain strong economic growth. Further, it states that because these new market rates, housing units will contribute to the City’s housing stock and that will address the City’s job/housing imbalance. Ms. Esphani said this was a fallacy because while these new upscale units will improve the job/housing balance for the upper income level, it will do nothing to solve the City’s real job/housing imbalance which is with housing for our low and moderate income workers such as teachers, retail workers, secretaries, bank tellers, security guards, etc. She said the Draft EIR fails point out that the project is inconsistent with the goals and policies of the City’s Housing Element because this element requires the City to ensure that all existing and future opportunities are open and available to all economic segments of the community. This project will provide 1,269 new units, but none will be affordable to anyone who is very low, low, or of moderate income. Since this project uses up a very large percentage of the available, vacant, residentially-zoned acreage for only upper income housing, it decreases the City’s ability to provide more affordably housing.

Ms. Esphani said the second problem with the Draft EIR is that it is inaccurate; page 147, it states that “The City continues to address affordable issues by (1) amending the density bonus provisions of the zoning code, and (2) enacting the mixed-use overlay zone.” She believed having density bonuses will go nowhere if developers are not encouraged to build affordable units. She believed the City must seriously address its crisis in affordable housing.

The Chair confirmed with Ms. Flynn that the above comments given at this evening’s hearing would be reviewed and addressed in the “Response to Comments” document and will be available on the City’s website prior to the September 11th Planning Commission hearing.

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

The Chair called a brief recess and the meeting resumed at 7:20 p.m.

The Chair opened the public hearing for consideration of Tentative Parcel Map PM-06-213 for Ali Sedghi, for a parcel map to facilitate the conversion of two units to condominiums as approved under PA-06-21, located at 134 East Wilson Street in an R2-MD zone. Environmental determination: exempt.

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

Ali Sedghi, 134 East Wilson Street, Costa Mesa, agreed to the conditions of approval.

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

A motion was made by Commissioner Fidler, seconded by Chair Perkins and carried 5-0 to approved Tentative Parcel Map PM-06-213, by

BREAK:

**TENTATIVE PARCEL MAP
PM-06-213**

Sedghi

**MOTION:
PM-06-213**

Approved

adoption of Planning Commission Resolution PC-06-55, based on analysis and information contained in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B."

The Chair explained the appeal process.

ZONING APPLICATION
ZA-06-48

Kline School/Susan Kline

The Chair opened the public hearing for consideration of Zoning Application ZA-06-48 for Susan Kline, modifying Conditional Use Permits PA-86-103 and PA-86-121 to eliminate the requirement for off-site parking for Kline School, located at 320 East 18th Street in an I & R zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and made a presentation. Mr. Lee said staff was recommending denial, by adoption of Planning Commission resolution.

In response to a question from Commissioner Egan regarding staff's position on the curbside drop-off and pick-up procedure, Mr. Lee explained that because staff does not have the land use authority to place conditions of approval to regulate anything that occurs in the public streets, staff is not able to support the applicant's proposal. He said what the applicant is proposing is probably feasible because it is in a public street and there is no red-curb, and nothing that would prohibit parents from dropping off and picking up their kids because there are no parking restrictions except for a fire hydrant which in any case, would be unaffected.

In response to another question from Commission Egan if the Planning Commission were to recommend to City Council that an area in front of the school be designated as a "loading zone", would staff support that recommendation, Mr. Lee said if that was per direction of Planning Commission, staff would support it. Commissioner Egan asked if that was a recommendation staff could support. Mr. Robinson offered that Planning staff's authority is the regulation of private property, however, Transportation Services would probably make that recommendation, but Planning staff cannot speak on their behalf.

In response to Commissioner Egan's question (above), Senior Engineer Fariba Fazeli explained that a study would have to be made to make sure it would be safe, and that it is public safety issue. She said it was her understanding that the Transportation Services Division has looked into this, but did not make a recommendation. She said she would run it by them again and would get back to her.

In response to a question from Vice Chair Hall concerning termination of the parking (PA-86-103), which runs with the land, how can it be terminated, Mr. Lee said that the lease for the use of the off-site parking has been terminated so there are no longer any underlying documents to support the conditional use permit.

There was discussion regarding the City's control/non-control over public parking on public streets.

Commissioner Garlich said he was trying to find a solution to help the applicants pull through a rough spot. He realizes this is a temporary solution and having spoken with Ms. Kline by phone, he said she is agreeable to changing the condition for the school year to read July 2007 instead of June 2007. He said with regard to the curbside drop-off and pick-up, this goes on all over the City everyday. He confirmed with Mr. Lee that it was not an illegal act, particularly, in this area because it is not red-curbed which is designed to prohibit that activity. He said he was more concerned about the off-site parking issue and he asked Mr. Lee what aspects there were in determining those parking spaces. Mr. Lee explained that the code does not specify a parking requirement for schools. In the past, staff has calculated the parking based upon the number of children and staff persons, i.e., a type of use where the parents would be driving to the site and would not actually park but would be there briefly to drop-off and pick-up their children. The parking requirement would be considerably less for this type of use than say a similar school with students of driving age.

Commissioner Egan added to the record that she had also spoken with Ms. Kline, as well as Beth Refakas. The telephone conversation with Ms. Kline did not reveal any information that is not already in the record. She learned from Ms. Refakas that the chief concern for her and other residents on Magnolia Avenue is the impact, if any, of traffic and vehicle parking on Magnolia Street rather than East 18th Street.

Susan Kline, proprietor and property owner of the Kline School located at 320 East 18th Street, agreed to the conditions of approval. Ms. Kline gave a presentation and covered most of the points in the staff report and comments by the Commission. She added that the request for street side parking for staff and the use of the street for drop-off and pick-up of students for an interim period as they search for a new school site is one alternative. She said they want to be able to have the parents park “momentarily” at any available space on the street and have an adult (parent or staff) escort or direct students from curbside into the school. She explained that their plan is to have staff stand curbside in the morning from 7:30 to 8:05 and then again, stand curbside in the afternoon from 2:45 to 3:15 to facilitate the pick-up and drop-off of students. In addition, they would stagger student pick-up to minimize the impact the cars would have on East 18th Street creating a smooth and safe transition. In response to a statement in the staff report which states, “There have been past parking and traffic issues associated with Kline School and the Lighthouse Coastal Community Church.” She noted that: (1) Throughout the day, there are virtually no parked cars in the areas south, east, and west of the school. (2) There have been no parking and traffic issues caused by Kline School and raised by the residents of East 18th Street—complaints about parking and traffic issues are exclusively from Magnolia Street neighbors. (3) With approval of this application, all of Kline School’s traffic will be redirected and completely off of Magnolia Street. For two decades, Kline School’s parents have either entered off of, or exited on to East 18th Street and over this twenty-year period, there has not been one traffic complaint from neighbors on East 18th Street. (4) The staff report claims that with the expansion of the church preschool, there will be more parking and traffic issues. In 2000, it was determined that the church could run a preschool for 60 children, and at the same time, Kline School could service 30 children in the modular class rooms that were on the Church’s property. With the combination of those factors, you have 135 children being serviced by the combined properties. In 2000, City staff did not think there would be too much traffic and it was approved. She said it was very hard to understand that while using these same factors, it would suddenly create too much traffic. She also pointed out that many of these families have 2-4 children (using 1 car) and many carpool, so the number of cars has likely decreased considerably since that time. (5) One of the report findings claims that granting the conditional use permit would be detrimental to the health, safety and general welfare of the public. While she realizes the livelihood of their school is at stake, objectively speaking, to deny the request would be a profound loss to this community.

In response to the Chair’s questions, Ms. Kline said since cutting back, they typically have 65 students; their new school year begins on September 11, 2006 (Monday after Labor Day); she said there would be a large financial loss to the school should Item # 6 on page 15 of the staff report have to be fulfilled because the request was denied; and she agreed to monitor through the very last day at that location as referenced in Item #3, page 14 of the staff report.

Vice Chair Hall, referencing exhibit “B-1”, page 9, referencing the statement, “Do not park”, asked Ms. Kline if she was amenable to changing it to read, “Park momentarily.” Ms. Kline agreed.

PUBLIC COMMENT:

Cyndi Bowman, 1665 Tustin Avenue, Costa Mesa, a Costa Mesa resident for 40 years, stated that her son completed the second through 8th grade when he graduated from Kline. She said it was not easy because the standards are high, the morals and life lessons it teaches, like all valuable things, were sometimes difficult for her son. Ms. Bowman

said when she heard that Kline School's continued operation was in jeopardy due to the loss of its parking lot, she was devastated. She said Kline School is an icon in Costa Mesa that stands for Quality Education, discipline, and good morals. She said she has known Susan Kline for nearly 10 years and whatever stipulations you place on approving her continued operation, she will meet and exceed to ensure the school continues to operate safely, and with the high level of excellence that it always has.

Josh Bowman, 1665 Tustin Avenue, Costa Mesa, stated that he has spent 6 of his 15 years at Kline School. He recalled that every morning they were pleasantly greeted by every teacher on staff even when only one was his primary teacher. Josh detailed his experiences as a student at Kline School and happily described many things that he was challenged by, always expressing his appreciation and enjoyment of the school's desire to attain and hold the interest of the students with a unique curriculum as a matter of priority

Diana Leach, 1965 Placentia Avenue, Costa Mesa, referencing her letter of June 26, 2006, said that she would like to supplement that letter and respectfully asked the Commissioner to enable Kline School to continue serving our community; at least on an interim basis in its present location. She said Ms. Kline has been a dedicated educator and role model for her students and their families for over 19 years in Costa Mesa; educating and inspiring. She promotes responsible citizenship and community involvement at Kline School. Ms. Leach detailed some of those examples (Mesa Consolidated Water District, Costa Mesa Chamber of Commerce Board of Directors as referenced in Ms. Leach's letter dated June 26, 2006 (page 48 of the Planning Division staff report))

Kate Medina, 326 East 18th Street, Costa Mesa, said they are the residents who would be most impacted by the drop-off and pick-up of students at the Kline School. She said they have a 19-year history with Susan Kline, her teachers, and parents of the children at Kline School. They have witnessed first-hand the drop-off and pick-up of students. She said teachers and staff alike are always there to greet the children and the parents never delay in the drop-off and pick-ups of the children. She said the process moves very quickly and before long the children are picked up and the parents are gone. She commented that South Coast Plaza would do nicely if they used Kline School's concept for their valet services. Mrs. Medina said the parents have always been gracious to them—when pulling out of their driveway, they always give the right-of-way; they always let them go first. She confirmed that they have also offered their driveway so that staff can park there. She said they do this because they feel very strongly that Kline School is an asset to their neighborhood and the City of Costa Mesa. She urged Planning Commission to allow Kline School to have the curbside drop-off and pick-up for their students during the interim period for this one year so that Susan Kline can continue to do the work she does so well for the children of Costa Mesa.

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

Commissioner Egan added a requirement that if parking problems or issues arise, the applicant would do whatever is operationally necessary. Ms. Kline said she was amenable.

MOTION:
ZA-06-48
Approved

A motion was made by Vice Chair Hall, seconded by Commissioner Garlich and carried 5-0, to approve Zoning Application ZA-06-48, by adoption of Planning Commission Resolution PC-06-56, based on public testimony, and analysis and information contained in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following modifications:

Findings

A. ~~The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed modification is not substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety~~

and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, parking on public streets ~~are~~ is not regulated under the Zoning Code; therefore, areas for drop-off, pick-up, or parking cannot be designated by conditions of approval or regulated by the City. This is an interim use; the drop-off procedure has been shown to be safe over a period of time and the proposed on – street parking is lawful. Due to the past parking and traffic issues associated with the school and the church, which were raised in the recently approved expansion of their preschool under Master Plan PA-00-56, the request cannot be supported. The Commission finds that the Kline School is an asset to the community, and further, that City Council recently approved an increase in enrollment for a preschool for Lighthouse Church, referenced in this application, which is in excess of the maximum enrollment for Kline School.

B. The request ~~does not comply~~ complies with Costa Mesa Municipal Code Section 13-29 (e) because:

- a. The proposed modification is ~~not~~ compatible and harmonious with uses both on-site as well as those on surrounding properties.
- b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation, have been considered.
- c. The proposed modification is ~~not~~ consistent with the General Plan.

C. Same.

D. Same.

Conditions of Approval

1. The conditional use permit herein approved is valid for the 2006/2007 regular school year and shall expire at the end of the school year ~~in June,~~ on August 1, 2007, unless 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 being 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.

3. The applicant shall be responsible for enforcing the curbside drop-off and pick-up procedure attached as “Exhibit B-1” as revised: Page 9, “IN THE MORNING”, bullet 3, ~~Do not park.~~ shall read, Park momentarily. On page 15, item #“6.)” shall be deleted. Any proposed operational change that significantly increases or intensifies the use shall require approval of an amendment to this conditional use permit by the Planning Commission.

4. The curbside drop-off and pick-up, ~~and off-site parking,~~ shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. ~~The applicant shall institute whatever operational measures are necessary to comply with this requirement. If parking problems should develop, the applicant shall institute whatever operational measures shall be necessary and appropriate.~~

5. This approval shall replace the previous approvals granted under Conditional Use Permit PA-86-103 and ~~PA-86-103~~ PA-86-121 as it pertains to the off-site parking.

During discussion on the motion, Commissioner Garlich said he would add in addition to the points made by Vice Chair Hall with regard to the basis for findings that this is an interim use. The drop-off procedure has been shown to be safe over a period of time and that some of the proposed staff parking solutions are lawful.

Commissioner Egan suggested the amendment to condition of approval #4 with reference to off-site parking should be eliminated (as shown in the motion above). She also added to that condition that if parking problems develop, the applicant shall institute whatever operational measures shall be necessary and appropriate.

There was discussion between Assistant City Attorney Harold Potter and the Commission regarding off-street parking and parking problems related to condition of approval #4.

The Chair said he was hopeful Ms. Kline would find a new place for the school.

Commissioner Garlich commented that a lot of times people think the Commission shows up at the hearings with their minds made up and wonder why we have public hearings. He said the public testimony tonight was powerful, and that's why we have public hearings.

The Chair explained the appeal process.

PLANNING APPLICATION
PA-06-37

Dennis Hogland TR/McConaughy

The Chair opened the public hearing for consideration on Planning Application PA-06-37 for Greg McConaughy, authorized agent for Dennis W. Hogland Trust, for a conditional use permit to use off-site parking spaces at 1762 Newport Boulevard and to deviate from shared parking requirements (22 total spaces required; 8 on-site spaces and 12 off-site spaces proposed) for the expansion of El Matador Restaurant, located at 1768 Newport Boulevard in a C2 zone. Environmental determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and gave a presentation. He said staff was recommending approval by adoption of Planning Commission resolution, subject to conditions.

Greg McConaughy, authorized agent for Dennis W. Hogland, TR., agreed to the conditions of approval.

Cal Stilley of Cal's Cameras situated north of El Matador, stated that he and El Matador have been good neighbors for almost 50 years. He said the restaurant has doubled in size and he believed it would double in volume and parking. He said they have a lot of parking to the north of his building and they keep track of the El Matador's parking (coming and going) particularly at lunch. He was worried that they would not park where allotted because his parking is so convenient. Commissioner Egan said she was puzzled by Mr. Stilley's concern because what's proposed here is that the new area would not be used unless the tire store closed which would be intermittent. She explained that there would be the existing area for the restaurant plus all the parking on the tire store lot. Mr. Stilley contended there is no parking available in front of the tire store during the day because they are open for business then. The parking lot behind that store is also open for business during the day; because it is a repair shop. Commissioner Egan stated that during the times when those stores are open, the expanded restaurant area is not proposed to be used. They will only use the existing restaurant area at times when the tire store is open. She said the expansion is for the dinner crowd when the stores are closed.

Mr. McConaughy returned to the podium and confirmed that the proposed plan is that this won't be open during the operation of the tire store.

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

MOTION:
PA-06-37
Approved

A motion was made by Vice Chair Hall, seconded by Commissioner Garlich and carried 5-0 to approve Planning Application PA-06-37, by adoption of Planning Commission Resolution PC-06-57, based on analysis and information contained 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-06-39

Blake Brett Enterprises/Schroder

Planning Application PA-06-39 for John Schroder, authorized agent for Blake Brett Enterprises, for a conditional use permit to allow an administrative office and auto repair facility for a race team, with a minor conditional use permit to allow vehicle storage behind the building, located at 3036 Enterprise Street in an MG zone. Environmental determination: exempt.

Staff recommended that this item be continued to the Planning Com-

mission meeting of August 28, 2006 to accommodate the applicants' desire to provide additional information.

MOTION:
ZA-06-39
Continued

A motion was made by Vice Chair Hall, seconded by Chair Perkins and carried 5-0 to continue this item to the Planning Commission meeting of August 28, 2006.

PLANNING APPLICATION
PA-06-41

Planning Application PA-06-41 for George M. K. Sakioka, authorized agent for Roy K. Sakioka, for a conditional use permit to allow a temporary parking of vehicles on a future paved parking area, located at 425 Anton in a PDC zone. Environmental determination: exempt.

R. Sakioka/G. Sakioka

Pulled from the Planning Commissioner Calendar (no action required).

Pulled from calendar

PLANNING APPLICATION
PA-06-45

The Chair opened the public hearing for consideration of Planning Application PA-06-45 for 126 Properties LLC, for a conversion of an unoccupied duplex to condominiums, located at 550 Bernard Street, in an R2-HD zone. Environmental determination: exempt.

126 Properties LLC

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

The applicant was not present. Ms. Shih confirmed that the applicant has been out of the country, however, she has been in contact with his office assistant. The office assistant did not indicate whether she would be here this evening, but she is aware of the conditions and updates for this report.

MOTION:
PA-06-45
Withdrawn

No one else wished to speak and the Chair made a motion to continue the item to the next public hearing to allow the applicant to be present so that he could speak to him. Mr. Robinson said for clarification, he believed if the Chair was talking about Mr. Morehart, he is on an extended vacation that will last a least a couple of months. The Chair responded that he has staff in his office that could be here and asked if that was correct. Mr. Robinson confirmed. The Chair restated the motion and Eleanor Egan seconded the motion. The Chair said his point is that he would prefer somebody from either Mr. Morehart's staff or Mr. Morehart himself to be here to a least discuss this because he almost feels it was disrespect to the process.

Commissioner Garlich said he did not support the motion and the applicant is not required to be here and he knows what he's doing. He's an experienced developer and has been before us many times. He said he would prefer to act upon the merits of the proposal.

SUBSTITUTE MOTION:
PA-06-45
Approved

A substitute motion was made by Vice Chair Hall, seconded by Commissioner Egan and carried 4-1 (Perkins voted no) to approve PA-06-45 contingent upon staff calling their offices for agreement with the conditions of approval, by adoption of Planning Commission Resolution PC-06-58, based on analysis and information contained in the Planning Division staff report and findings contained in exhibit "A", subject to conditions in exhibit "B."

During discussion on the motion, Commissioner Egan withdrew her second on the first motion and seconded the substitute motion. The Chair withdrew the first motion.

Commissioner Garlich commented that he remembers when Commission had this item the first time. He said they were trying to do something here that would ensure that the accessory units were brought up to a better standard than they were and we didn't get our way on that. He said he would like to publicly commend Mr. Morehart for having done that anyway. He asked the Commission to try and remember what they looked like before; they could appreciate what he has done here—this is a very attractive project and he thanked Mr. Morehart again for doing that.

The Chair explained the appeal process.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:

Planning Commission Secretary R. Michael Robinson stated that some interest has been expressed in rescheduling the Commission's meeting

on September 11th which is the 5th anniversary of the terrorist attacks. He said he was advising the Commission of that interest, but they would not be able to take any action at this meeting. He said that he would take the next two weeks to see if the Council Chambers is available for Wednesday night, September 13th and if the Commissioners in the meantime would check their calendars to see how that works out. At the following meeting on August 28th, discussion and/or action can then be taken if necessary.

**REPORT OF THE CITY
ATTORNEY'S OFFICE:**

None.

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 9:00 p.m. to the Planning Commission meeting of Monday, August 28, 2006.

Submitted by:

R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION