

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
December 11, 2006**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., December 11, 2006, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Bill Perkins.

**I. PLEDGE OF ALLEGIANCE TO THE FLAG.**

**II. ROLL CALL: Chair: Bill Perkins Vice Chair: Donn Hall Commissioners:  
Eleanor Egan, James Fisler, and Bruce Garlich**

Commissioners Present: Chairman Bill Perkins  
Vice Chair Donn Hall  
Commissioner Eleanor Egan  
Commissioner James Fisler

Commissioners Absent: Commissioner Bruce Garlich

Also Present: Principal Planner Kimberly Brandt  
Deputy City Attorney Tom Duarte  
City Engineer Ernesto Munoz  
Senior Planner Mel Lee  
Associate Planner Wendy Shih  
Assistant Planner Hanh Nguyen

**III. MINUTES: Minutes for the meeting of November 27, 2006 were accepted with no corrections.**

**IV. PUBLIC COMMENTS: To ensure fair and equal treatment of all who appear before the Planning Commission, and to expedite City business, speakers may be limited to three minutes during Public Comments to speak on any item within the Planning Commission's jurisdiction, which is not listed on the Agenda. This time may be extended for good cause by the Chair or by majority vote of the Planning Commission.**

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

**(a) Commissioner Eleanor Egan wished everyone a happy and healthy holiday season.**

**(b) Commissioner James Fisler wished everyone the best of holidays and thanked all the applicants who came before the Commission this past year. He also wished that Commissioner Garlich would get well.**

**(c) Vice Chair Donn Hall apologized to Commissioner Fisler for the comments he made at the previous Commission meeting.**

**(d) Chairman Bill Perkins wished everyone a happy and safe holiday season. He asked everyone to be safe, courteous, and cautious, and to help out the less fortunate. He hoped that Commissioner Garlich is feeling better.**

**VI. PUBLIC HEARINGS:**

- 1. Appeal of Planning Staff Zoning Approval for a two-story addition to an existing two-story, single-family residence, located at 3089 Klondike Avenue, in an R1 zone. Environmental determination: exempt. Uphold Planning staff's zoning approval, by adoption of Planning Commission resolution.**

Assistant Planner Hanh Nguyen gave a presentation.

In response to Chair Perkins question about concerns noted in the appellant's letter, Ms. Nguyen explained the appellant's concerns for privacy and blocked sunlight. Ms. Nguyen also noted staff felt that the proposed project is compatible with the neighborhood. In response to a question from the Chair concerning Condition No. 3, Ms. Nguyen said that any modifications to the second story windows would require Planning review.

In response to Commissioner Fisler's question about the approximate dimensions, Ms. Nguyen said the addition is approximately 11 feet wide by 30 feet deep.

Phillip Bennett, applicant, Santa Ana, architect and representative for the property owners, said he read and agrees with the conditions. He agreed to getting staff's prior approval on any changes to the second story windows.

Appellant, Ali Amiri, Irvine, on behalf of Mr. and Mrs. Nouhad, Costa Mesa, stated concerns about their lack of privacy in their home.

The Chair opened the public hearing. Richard M. Ria, Costa Mesa, asked why he was not notified of the project and objected to the balcony, citing privacy concerns.

Abie Chegade, Costa Mesa, rear neighbor, stated her privacy concerns for her bedroom and patio.

No one else wished to speak and the Chair closed the public hearing. The applicant returned to answer questions from the Commissioners. In response to a question from Commissioner Egan on the importance of the balcony for the project, the applicant replied that no sight lines have been changed to the adjacent property; therefore, there would not be any privacy concerns.

MOTION: Approve Building Permit B06-00379 with the exclusion of the second story balcony.

Moved by Vice Chair Donn Hall, seconded by Chairman Bill Perkins.

During discussion on the motion, Commissioner Egan stated the balcony was the least infringing balcony she has seen and therefore does not support the motion. A discussion ensued about the 2-2 tie and possibly continuing the item to the next meeting.

Deputy City Attorney Duarte suggested that the Commission could re-open the Public Hearing if more information was needed prior to deciding on a continuance. Commissioner Fisler said he supports the project with the balcony. At the request of the Chair, Vice Chair Hall withdrew his motion so that the Commission could re-open the public hearing.

The Chair re-opened the public hearing and asked the applicant to consider eliminating the balcony or continuing to the next meeting. The applicant replied that the owners complied with all the guidelines and want to retain the balcony.

The applicant stated they would appeal if the balcony is excluded. The Chair explained the seven-day appeal process. The applicant then stated that they would miss out on the reduced fees for the RRIP Program due to the appeal process or a continuance.

A discussion ensued involving Ms. Brandt, Vice Chair Hall, and Deputy City Attorney Duarte concerning the appeal process, reduced fees, and granting an extension for the RRIP Program. Deputy City Attorney Duarte stated that the extension should be part of the motion and suggested the public who spoke on this item during the public hearing come back to speak in response to the previous comments.

Richard Ria, Costa Mesa, spoke in opposition to the balcony. The applicant then suggested a solution relating to this project, and Deputy City Attorney Duarte reminded him that the Public Hearing is still open and that he could not negotiate in this type of manner.

The Chair closed the Public Hearing. Commissioner Fisler, the Chair, and Deputy City Attorney Duarte discussed the building permit and Mr. Duarte said the land use issue is our issue.

**MOTION: Upholding Planning staff's zoning approval of Building Permit B06-00379, excluding the balcony, by adoption of Planning Commission Resolution, PC-06-90, based on the findings contained in Exhibit "A", subject to conditions in Exhibit "B", and directed the Building Official to issue the building permit as part of the Residential Remodeling Incentive Program.**

**Moved by Vice Chair Donn Hall, seconded by Chairman Bill Perkins.**

During the motion, Commissioner Egan proposed an amendment relating to the removal of the balcony being without prejudice to being brought forward at some future time. Vice Chair Hall and Chairman Perkins concurred.

The motion carried by the following roll call vote:

Ayes: Chairman Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, Commissioner James Fisler

Noes: None.

Absent: Commissioner Bruce Garlich

The Chair explained the appeal process.

- 2. Extension of Time for Parcel Map PM-04-202, for James J. Brennan Inc., authorized agent for TAV Partners, to create a one-lot airspace condominium for an existing industrial development, located at 275 McCormick Avenue, in an MP zone. Environmental determination: exempt. Approve by adoption of Planning Commission resolution, subject to conditions.**

Senior Planner Mel Lee gave a presentation.

James J. Brennan, applicant, Orange, said he read the staff report and agrees to the conditions, and thanked staff. There were no questions of the applicant.

The Chair asked if there were questions of staff and there were none. The Chair opened the public hearing for public comment and no one wished to speak, so he closed the public hearing.

**MOTION: Approve an extension of time for Parcel Map PM-04-202 to October 25, 2007, by adoption of Planning Commission Resolution PC-06-91, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".**

**Moved by Commissioner James Fisler, seconded by Chairman Bill Perkins.**

The motion carried by the following roll call vote:

Ayes: Chairman Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, Commissioner James Fisler

Noes: None.

Absent: Commissioner Bruce Garlich

The Chair explained the appeal process.

- 3. Planning Application PA-06-48 and Parcel Map PM-06-240, for The Saywitz Company, to allow common interest development conversion of four apartment units to condominiums, with a parcel map to facilitate the conversion, located at 1798 Pomona Avenue, in an R3 zone. Environmental determination: exempt. Approve by adoption of Planning Commission resolution, subject to conditions.**

Associate Planner Wendy Shih gave a presentation. At the end of the presentation, Ms. Shih said staff is recommending one additional condition that the applicant provide complete screening of the open parking space along West 18th Street and that this condition be completed under staff's direction.

In reply to a question about condominium costs, Commissioner Fisler gave some approximate costs, depending on amenities.

There were no questions of staff and the Chair asked the applicant to come forward.

Barry Saywitz, applicant, Newport Beach, President of Saywitz Company, said he read and agrees to the conditions.

In response to questions from the Chair about financing and addressing parking concerns, Mr. Saywitz replied that he uses his own personal funds and parking is always an issue, respectively. Mr. Saywitz also answered a question from Vice Chair Hall about double-glazed windows.

The Chair opened the public hearing for public comment and Diane Russell, Costa Mesa, and Jean Forbath, Costa Mesa, both did not support the project and they stated more affordable rental units are needed.

The Chair asked Mr. Saywitz to return and comment on affordable rental units, and Mr. Saywitz noted he was a proponent of said units and has other properties with affordable housing for residents.

MOTION: Continue the item to the Commission meeting of January 8, 2007.  
Moved by Chairman Bill Perkins. The motion died for lack of a second. Chairman Perkins closed the public hearing.

**MOTION: Approve Planning Application PA-06-48 and Parcel Map PM-06-240, by adoption of Planning Commission Resolution PC-06-92, based on evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B" with the following additional condition:**

#### **Condition of Approval**

**13. The applicant shall provide complete screening of the open parking space along West 18th Street and this condition is to be completed under staff's direction.  
Moved by Vice Chair Donn Hall, seconded by Commissioner Eleanor Egan.**

During the motion, Chairman Perkins stated that since Commissioner Garlich was absent, and due to parking concerns and wanting to meet with the applicant, he is not supporting the motion. Vice Chair Hall and Commissioner Fisler supported the motion.

In response to a question from Commission Fisler about a mandate for affordable units, Ms. Brandt noted that staff is looking at the existing housing programs for the next Housing Element cycle in 2008, and the current Housing Element is in conformance with State law.

The motion carried by the following roll call vote:

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

Noes: Chairman Bill Perkins

Absent: Commissioner Bruce Garlich

The Chair explained the appeal process.

The Chair called a recess for ten minutes and then resumed the meeting.

- 4. Planning Application PA-06-49 and Parcel Map PM-06-242, for The Saywitz Company, to allow common interest development conversion of three apartment units to condominiums, with a parcel map to facilitate the conversion, located at 277 Ogle Street, in an R3 zone. Environmental determination: exempt. Approve by adoption of Planning Commission resolution, subject to conditions.**

Associate Planner Wendy Shih gave a presentation.

There were no questions of staff and the Chair invited the applicant to come forward.

Barry Saywitz, applicant, Newport Beach, said he read the staff report and agrees to the conditions.

There was a discussion about a maximum amount the applicant would have to pay for an apartment referral service for the tenants who do not wish to buy a unit between the Chair, Mr. Saywitz, and Deputy City Attorney Duarte. Mr. Duarte stated the wording should be "pay a reasonable registration fee." Mr. Saywitz said he wanted to proceed with this item tonight and gave a presentation.

There were no questions of the applicant and no one wished to speak during public comment, so the Chair closed the public hearing.

**MOTION: Approve Planning Application PA-06-49 and Parcel Map PM-06-242, by adoption of Planning Commission Resolution PC-06-93, based on evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B". Moved by Vice Chair Donn Hall, seconded by Commissioner James Fisler.**

During discussion on the motion, Chairman Perkins, Vice Chair Hall, and Commissioner Egan discussed adding "reasonable registration fee" in Condition No. 6. In response to Commissioner Egan's question about the number of apartment referral services in the area, Commission Fisler replied three.

The Chair asked for a memo to be prepared by Planning staff for adding language to protect the property owner.

The motion carried by the following roll call vote:

Ayes: Chairman Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, Commissioner James Fisler

Noes: None.

Absent: Commissioner Bruce Garlich

The Chair explained the appeal process.

- 5. Planning Application PA-06-50 and Tentative Tract Map T-17112, for The Saywitz Company, to allow common interest development conversion of eight apartment units to condominiums (two to remain density bonus rental units) with a variance from private open space requirements (10 ft. minimum dimension required; 7-9 ft. provided) and a tentative tract map to facilitate the conversion, located at 685 West 18th Street and 686 Park Drive, in an R3 zone. Environmental determination: exempt. Approve by adoption of Planning Commission resolution, subject to conditions.**

Senior Planner Mel Lee gave a presentation. At the end of his presentation, he noted that there was supplemental information to be added as condition of approval No. 16 to Exhibit "B" if the approval resolution is adopted: "Comply with requirements contained in the letter prepared by the City Engineer dated December 11, 2006."

Barry Saywitz, applicant, Newport Beach, said he read the staff report and agrees to the conditions. Mr. Saywitz asked for clarification on some conditions in the letter dated December 11, 2006. Mr. Saywitz then gave a presentation.

Chairman Perkins, Vice Chair Hall, Deputy City Attorney Duarte, and staff discussed the variance, designating density bonus units, land use restrictions, and Commission meeting dates in February.

Mr. Saywitz replied to a question from Vice Chair Hall stating that he has other rental properties in Costa Mesa that he would like to designate as density bonus units so he could sell the two units as condominiums.

Another discussion ensued about a similar application relating to a condominium conversion of a project containing density bonus units for an upcoming Commission meeting in January, and moving this current item to the Commission meeting of February 12, 2007. Staff agreed, and the Chair opened the public hearing for public comment. No one wished to speak, so the Chair closed the public hearing.

**MOTION: Continue this item to the Planning Commission meeting of February 12, 2007.**

**Moved by Chairman Bill Perkins, seconded by Vice Chair Donn Hall.**

The motion carried by the following roll call vote:

Ayes: Chairman Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, Commissioner James Fisler

Noes: None.

Absent: Commissioner Bruce Garlich

The Chair explained the appeal process.

- 6. Planning Application PA-06-51/Parcel Map PM-06-241, for The Saywitz Company, to allow common interest development conversion of four apartment units to condominiums with a parcel map to facilitate the conversion, located at 2536 Orange, in an R2-MD zone. Environmental determination: exempt. Approve by adoption of Planning Commission resolution, subject to conditions.**

Senior Planner Mel Lee gave a presentation.

In response to a question from Vice Chair Hall about the apartments being under the moderate income threshold and Mr. Lee said yes.

Barry Saywitz, applicant, Newport Beach, agreed to the conditions, but wants to suggest language requiring, "property owner to pay for rental registration fee at tenant's request." The Chair said the property owner should offer this because the tenant is being displaced. Mr. Saywitz gave a presentation.

The Chair opened the public hearing for public comment, and no one wished to speak, so he closed the public hearing.

**MOTION: Approve Planning Application PA-06-51/Parcel Map PM-06-241, by adoption of Planning Commission Resolution PC-06-94, based on evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B" with the following additional condition:**

#### **Condition of Approval**

**12. The applicant shall be required to screen the trash bin or provide individual barrel pickup subject to Sanitary District approval.**

**Moved by Vice Chair Donn Hall, seconded by Chairman Bill Perkins.**

During discussion on the motion, Commission Egan noted that Condition No. 12 is subject to Sanitary District approval.

The motion carried by the following roll call vote:

Ayes: Chairman Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, Commissioner James Fisler

Noes: None.

Absent: Commissioner Bruce Garlich



The Chair explained the appeal process.

7. **Planning Application PA-06-65, for RREEF Management, authorized agent for SDCO Costa Mesa Commerce Park, Inc., for a conditional use permit to legalize a chiropractic office previously denied under PA-03-44, located at 3303 Harbor Boulevard, Suite F-5, in a PDI zone. Environmental determination: exempt. Deny by adoption of Planning Commission resolution.**

Associate Planner Wendy Shih gave a presentation.

In response to a question from the Commission, Ms. Shih replied that the applicant operated without a conditional use permit for eight to nine months.

Dr. Kosta Adamou, applicant, Newport Beach, and part owner of Atlas Wellness Center, agreed to the conditions. He then gave a presentation.

In response to the Chair's question about the permit, Dr. Adamou discussed the permit history. Deputy City Attorney Duarte stated the conditional use permit runs with the land. Vice Chair Hall and Mr. Duarte also discussed the subject.

The Chair opened the public hearing for public comment, and no one wished to speak, so he closed the public hearing.

MOTION: Approve Planning Application PA-06-65, subject to conditions.

Moved by Vice Chair Donn Hall, seconded by Commissioner James Fisler.

During discussion on the motion, Vice Chair Hall made comments about conducting a small business in the City and asked staff about the FedEx business on Page 2 of the staff report. Chairman Perkins and Commissioner Egan stated that they did not support the motion.

Commissioner Egan said she does not support the project.

Vice Chair Hall made some comments.

**SUBSTITUTE MOTION: Deny Planning Application PA-06-65, by adoption of Planning Commission Resolution PC-06-95, subject to the following adjustments:**

**A. Allow business owner until September 30, 2007 to find a suitable location to move to.**

**B. Business owner must vacate the property by September 30, 2007.**

**Moved by Chairman Bill Perkins, seconded by Commissioner Eleanor Egan.**

During discussion on the motion, Vice Chair Hall stated his support for the substitute motion.

The motion carried by the following roll call vote:

Ayes: Chairman Bill Perkins, Vice Chair Donn Hall, Commissioner Eleanor Egan, Commissioner James Fisler

Noes: None.

Absent: Commissioner Bruce Garlich

The Chair explained the appeal process.

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

None.

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

None.

**IX. ADJOURNMENT TO THE MEETING OF MONDAY, JANUARY 8, 2007.**

**There being no further business, Chairman Perkins adjourned the meeting at 9:55 p.m. to the Planning Commission meeting of Monday, January 8, 2007.**

Submitted by: \_\_\_\_\_

KIMBERLY BRANDT, AICP, ACTING SECRETARY  
COSTA MESA PLANNING COMMISSION