



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: JULY 17, 2007

ITEM NO:

**SUBJECT: APPEAL OF PLANNING APPLICATION PA-06-59 AND PM-06-250  
1843 POMONA AVENUE, UNITS A THROUGH D**

**DATE: JULY 5, 2007**

**FROM: DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION**

**PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136**

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## **RECOMMENDED ACTION**

Conduct public hearing and adopt resolution to uphold, reverse, or modify Planning Commission's decision.

## **BACKGROUND**

At their meeting of June 25, 2007, by a vote of 3 to 1 (Donn Hall voted no), Planning Commission denied Planning Application PA-06-59 and Parcel Map PM-06-250 for the conversion of an existing 4-unit apartment complex into a common interest development (condominiums) with a minor modification for new trellis and porch covers to encroach 4 feet into the required 20 feet front setback. On July 2, 2007 the project applicant, Louie Del Real, appealed their decision.

## **ANALYSIS**

The fourplex was constructed in 1965 and is legal, nonconforming because the density, open space, and number of parking spaces do not comply with current Zoning Code requirements – whether apartments or condominiums.

The Planning Commission determined that the existing development is not suitable for conversion due to its substantial nonconformity and the requested minor modification will negatively impact the surrounding properties.

## **ALTERNATIVES CONSIDERED**

If the Planning Commission's denial is upheld, the units could continue to be rented without the proposed upgrades.

If the Planning Commission's decision is overturned and the project is approved, the individual units could be sold separately, subject to conditions of approval and Code

requirements. Additional conditions (30 through 38) have been incorporated for Council's consideration. These conditions were applied to recent residential conversion applications that have been appealed to, and approved by, City Council.

**FISCAL REVIEW**

Fiscal review is not required.

**LEGAL REVIEW**

Legal review is not required.

**ENVIRONMENTAL REVIEW**

Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

**CONCLUSION**

The Planning Commission denied the applicant's request because the existing development is substantially nonconforming. The applicant feels that the conversion will include substantial upgrades to the property.

  
WENDY SHIH  
Associate Planner

  
DONALD D. LAMM, AICP  
Deputy City Mgr. – Dev. Svs. Director

Attachments:    Zoning/Location Map  
                         Plans  
                         Photo Exhibit  
                         Draft City Council Resolution  
                         Exhibit "A" – Draft Findings  
                         Exhibit "B" – Draft Conditions of Approval  
                         Appeal Application  
                         Minutes of Planning Commission meeting of June 25, 2007  
                         Planning Division Staff Report  
                         Planning Commission Resolution  
                         Exhibit "A" – Findings  
                         Exhibit "B" - Conditions

Distribution:    City Manager  
                         Asst. City Manager  
                         City Attorney  
                         Public Service Director  
                         City Clerk (2)  
                         Staff (4)  
                         File (2)

Louie Del Real  
1843 Pomona Ave., Unit A  
Costa Mesa, CA 92627

Aurelio Pimentel  
2644 Riverside Dr.  
Costa Mesa, CA 92627

Occupant  
1843 Pomona Avenue, Unit B  
Costa Mesa, CA 92627

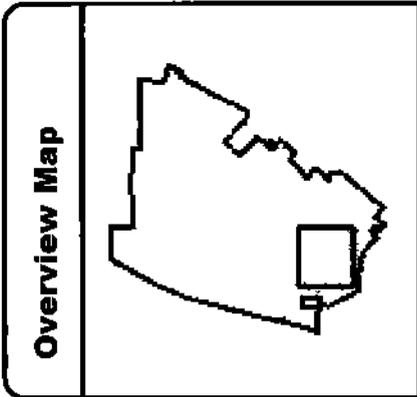
Occupant  
1843 Pomona Avenue, Unit C  
Costa Mesa, CA 92627

Occupant  
1843 Pomona Avenue, Unit D  
Costa Mesa, CA 92627

File: 071707PA0659Appeal	Date: 070507	Time: 10:00 a.m.
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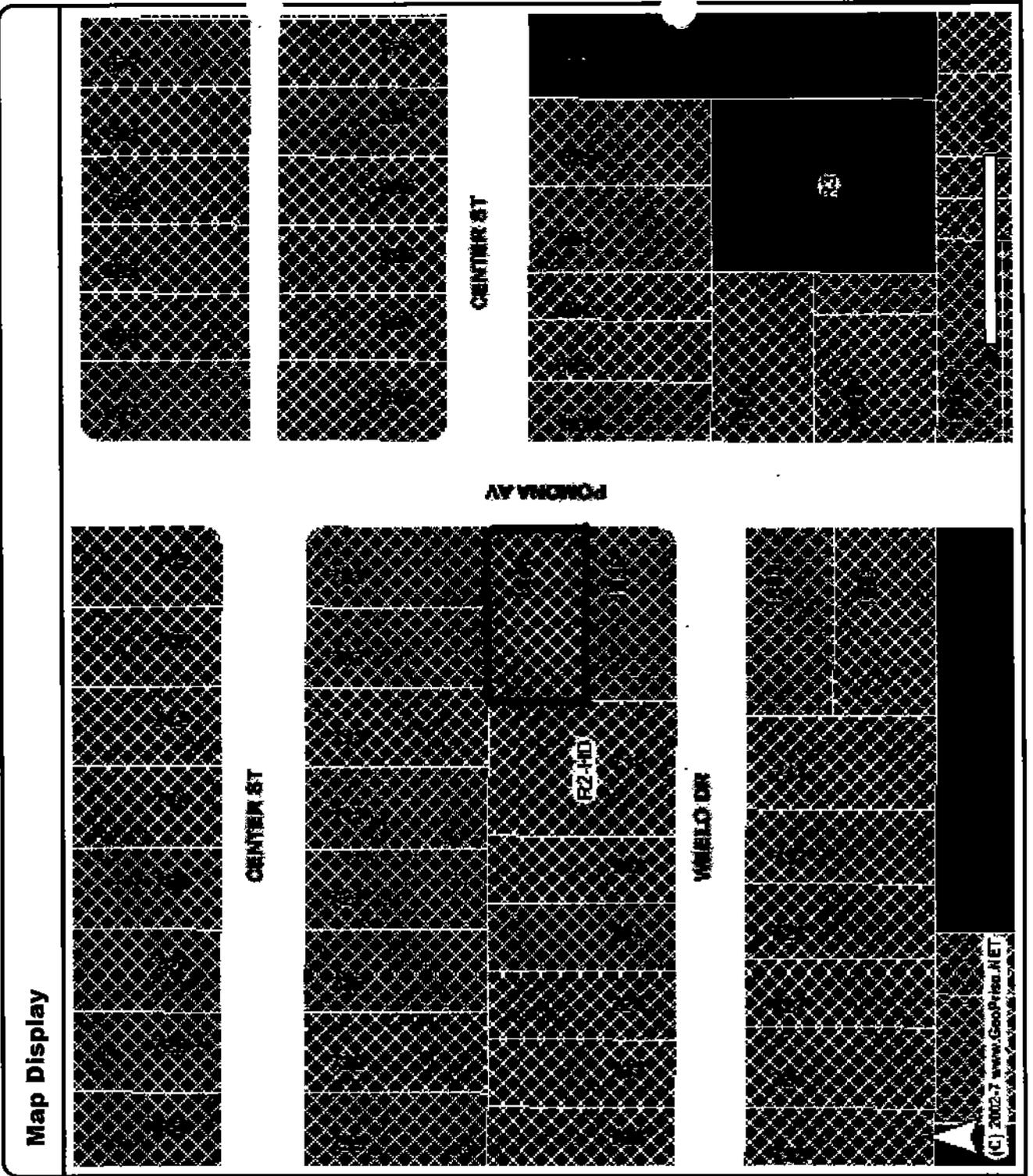
**City of Costa Mesa**

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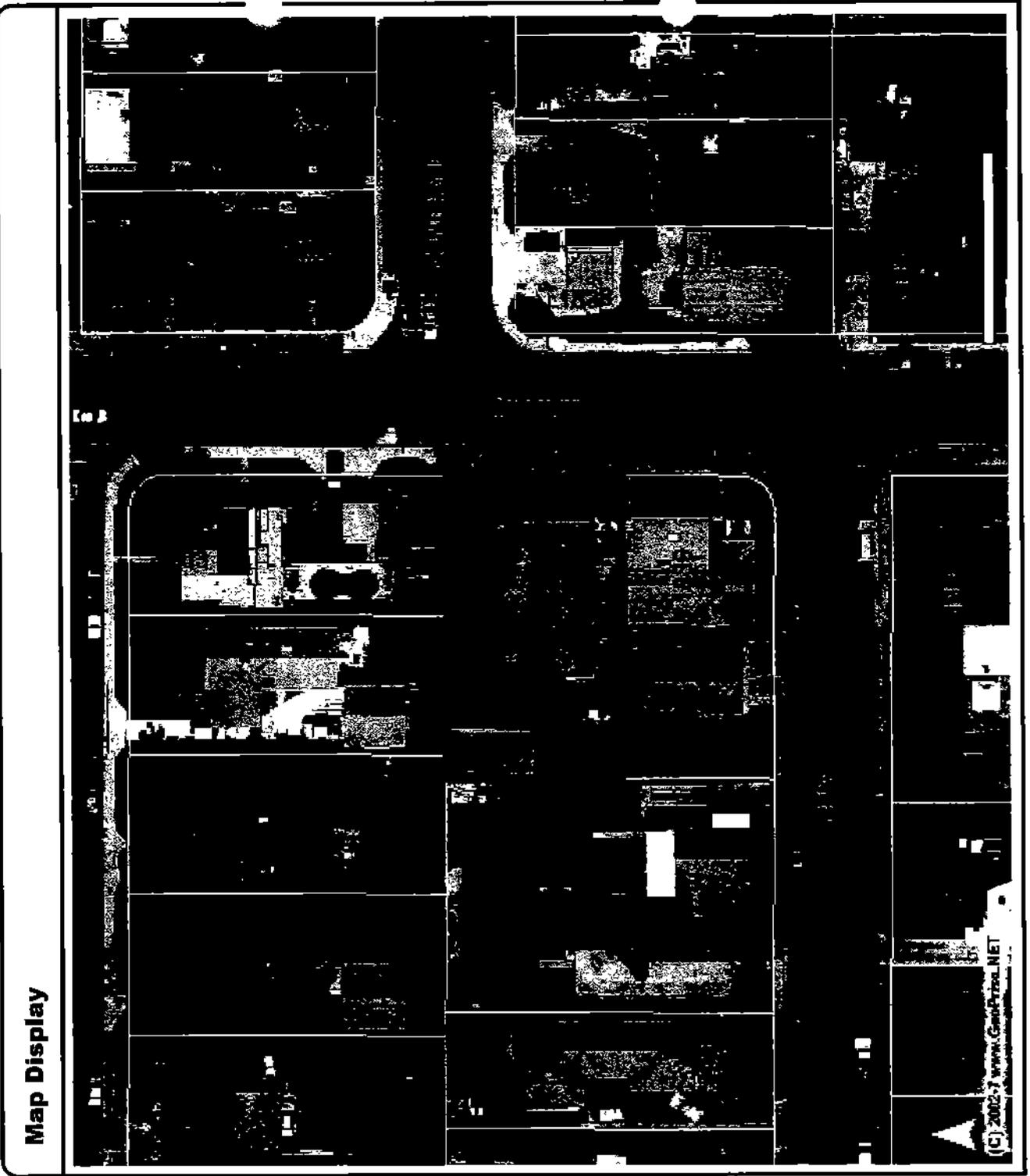
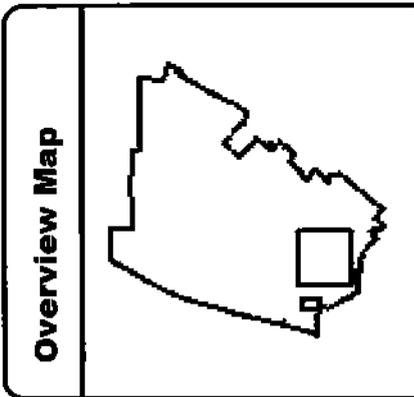
**Legend**

Address Medium	Parcel Lines	Waterway Lines	Hydrology	Channels	Street Names
Address Points	City Boundary	Water Ways	Zoning	AP	
				G1	
				G1-S	
				D2	
				CL	
				(cont)	



**City of Costa Mesa**

1843 POMONA AVENUE - [Created: 6/7/2007 8:36:44 AM] [Scale: 81.12] [Page: 8.5 x 11 / Landscape]



**Legend**

Address Large	Street Names
Address Points	Parcel Lines
Waterway Lines	City Boundary
Hydrology Channels	Water Ways
	Dwelling General

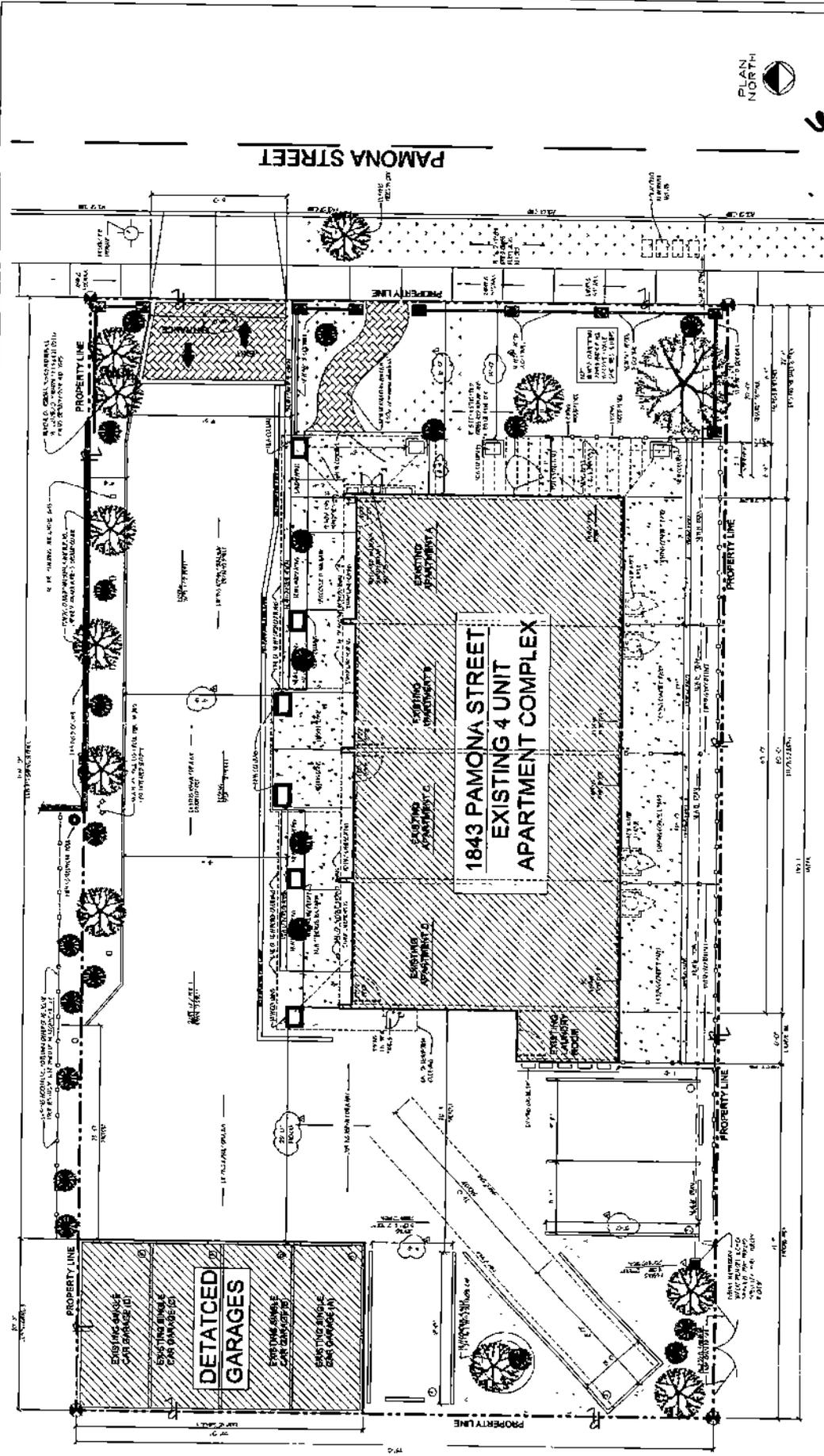


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 DATE: 03/27/2007  
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 CHECKED BY: [blank]  
 DATE: [blank]  
 PROJECT NUMBER: 2006-002  
 PROJECT NAME: APARTMENT - CONDO CONVERSION FOR 1843 PAMONA STREET COSTA MESA, CA

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 DATE: 03/27/2007  
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 DATE: 03/27/2007  
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 DATE: [blank]  
 PROJECT NUMBER: 2006-002  
 PROJECT NAME: APARTMENT - CONDO CONVERSION FOR 1843 PAMONA STREET COSTA MESA, CA

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 DATE: 03/27/2007  
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 CHECKED BY: [blank]  
 DATE: [blank]  
 PROJECT NUMBER: 2006-002  
 PROJECT NAME: APARTMENT - CONDO CONVERSION FOR 1843 PAMONA STREET COSTA MESA, CA



LOT COVERAGE		PARKING SUMMARY	
LOT SIZE	1,230 SQ. FT.	REQUIREMENT	10 SPACES
BUILDING FOOTPRINT	1,000 SQ. FT.	PARKING SPACES PROVIDED	4
DETACHED GARAGES	400 SQ. FT.	GARAGES	4
DRIVEWAY & TURNING	1,377 SQ. FT.	TOTAL	4
OPEN SPACE LANDSCAPING	227 SQ. FT.		
TOTAL LOT COVERAGE	607		

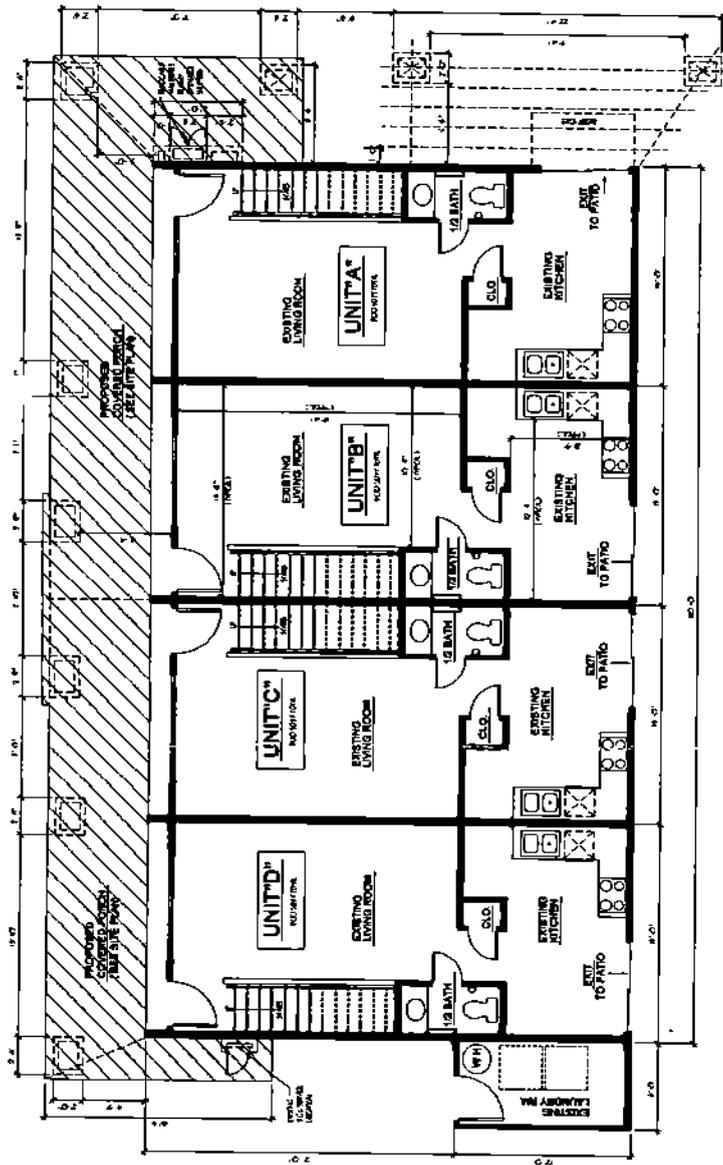
NOTE: PROVISION FOR BEST PRACTICES IS AVAILABLE. THERE IS APPROXIMATELY 400 SQ. FT. OF OPEN SPACE LANDSCAPING PROVIDED IN THE EXISTING PROJECT. IT IS REQUESTED THAT THE APPLICANT PROVIDE TO THE CREEK BRIDGE ALL SUBMITTALS IN WRITING FOR REVIEW BY THE CITY.

IN COMPLIANCE WITH THE CITY OF COSTA MESA  
 MAR 27 2007

New landscaping / open space (± 644 sq ft)



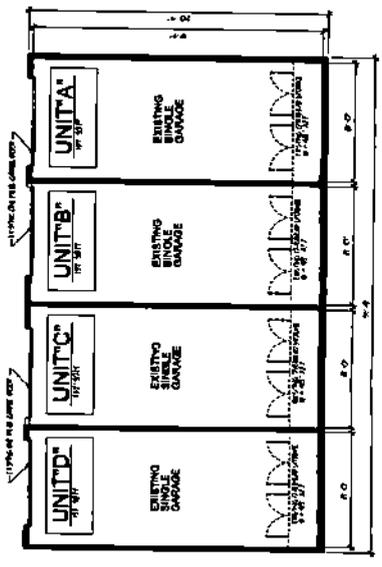




SCALE: 1/4" = 1'-0"

FIRST FLOOR W/ IMPROVEMENTS

1



SCALE: 1/4" = 1'-0"

EXISTING GARAGE'S

2



PROJECT NO.	2008-02
DATE	08/01/08
SCALE	1/4"=1'-0"
PROJECT NAME	APARTMENT-CONDO CONVERSION FOR
PROJECT ADDRESS	1843 PAMONA STREET
CITY	COSTA MESA, CA
STATE	CA
COUNTRY	USA
ARCHITECT	DAVIDSON ARCHITECTS
ARCHITECT ADDRESS	1843 PAMONA STREET
CITY	COSTA MESA, CA
STATE	CA
COUNTRY	USA
DATE	08/01/08
SCALE	1/4"=1'-0"
PROJECT NAME	APARTMENT-CONDO CONVERSION FOR
PROJECT ADDRESS	1843 PAMONA STREET
CITY	COSTA MESA, CA
STATE	CA
COUNTRY	USA

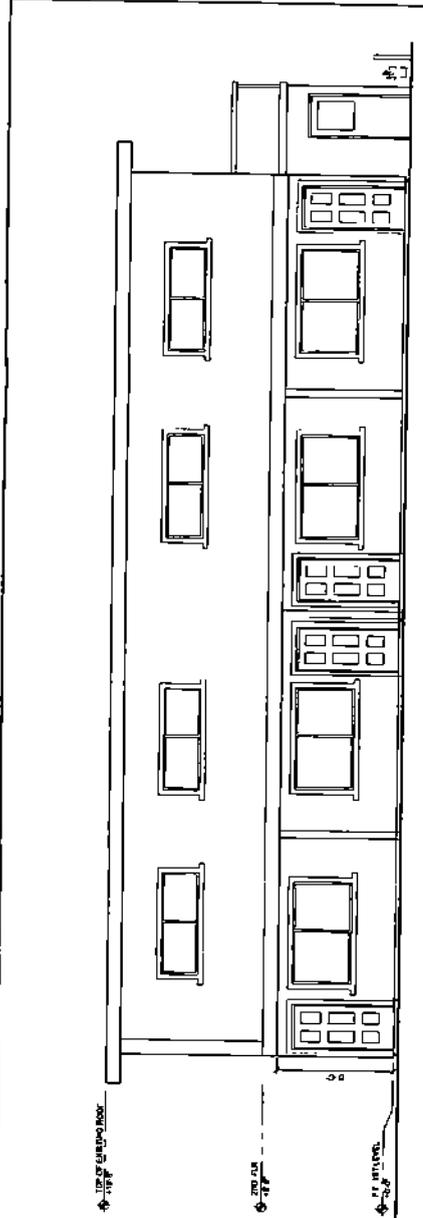
THIS DRAWING IS THE PROPERTY OF DAVIDSON ARCHITECTS AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF DAVIDSON ARCHITECTS.

PROJECT NAME  
APARTMENT-CONDO CONVERSION FOR  
PROJECT ADDRESS  
1843 PAMONA STREET  
COSTA MESA, CA  
PROJECT NUMBER  
2008-02

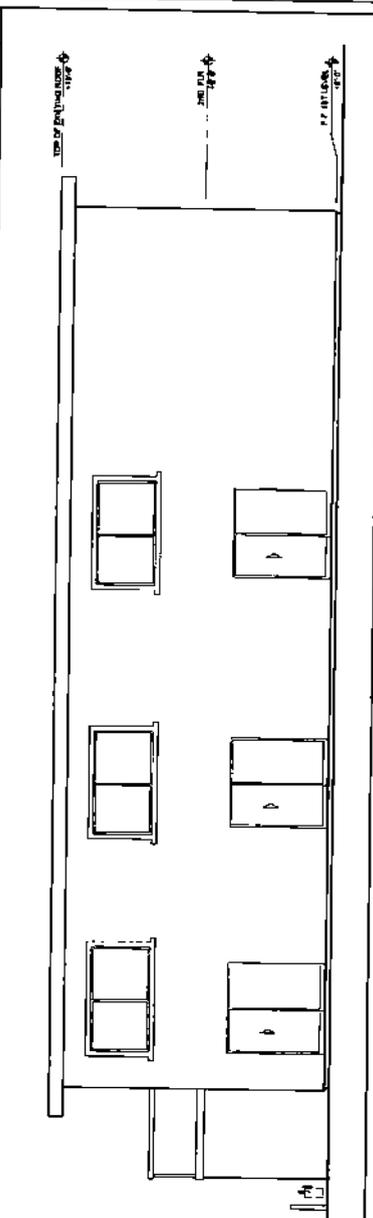
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PROJECT ADDRESS	1843 PAMONA STREET
CITY	COSTA MESA, CA
STATE	CA
COUNTRY	USA

PROJECT NAME  
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PROJECT ADDRESS  
1843 PAMONA STREET  
COSTA MESA, CA  
PROJECT NUMBER  
2008-02

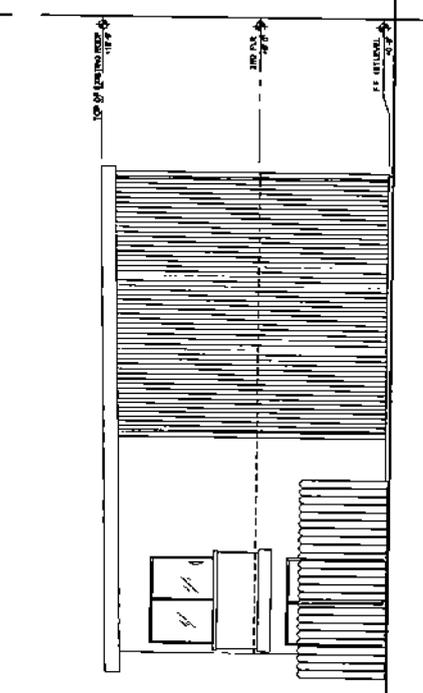
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08/01/08  
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1/4"=1'-0"



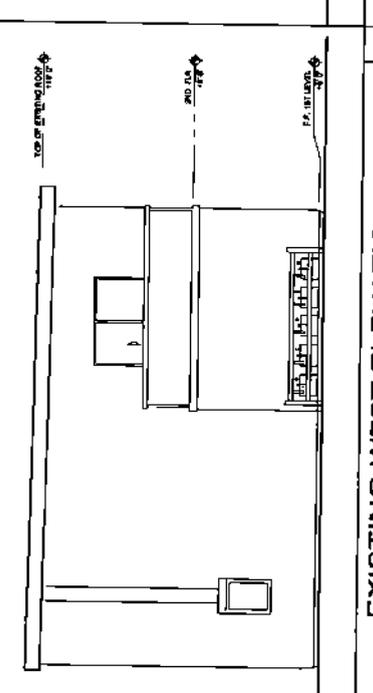
EXISTING NORTH ELEVATION SCALE: 1/4"=1'-0"



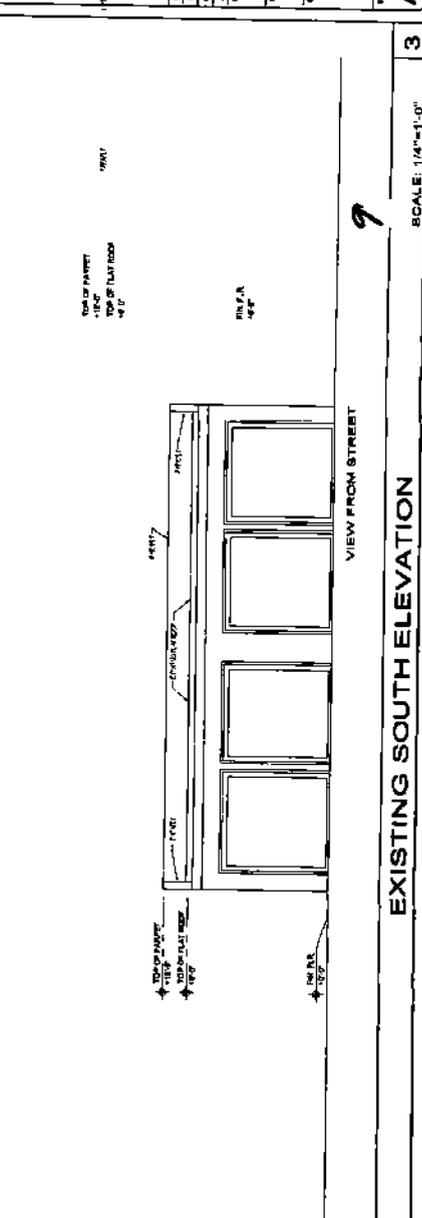
EXISTING SOUTH ELEVATION SCALE: 1/4"=1'-0"



EXISTING EAST ELEVATION SCALE: 1/4"=1'-0"



EXISTING WEST ELEVATION SCALE: 1/4"=1'-0"



EXISTING SOUTH ELEVATION SCALE: 1/4"=1'-0"

9

A3.0



# TENTATIVE PARCEL MAP 2006-250

(1 PARCEL CONDOMINIUM CONVERSION, EXISTING SITE TO REMAIN)

ADDRESS OF PROJECT:  
1843 POMONA AVE., COSTA MESA  
CALIFORNIA

DATE: 9-19-06

**LAND SURVEYOR:**  
RHM SURVEYING, INC.  
RHM MEDENA, L.S. 4653  
2300 LAKE FOREST DRIVE #409  
LAGUNA HILLS, CA 92653  
(949) 886-7084 OFFICE  
(949) 886-7084 FAX  
RHSURV@INGR.COM

**SUBDIVIDER:**  
ALFREDO PINHENTEL  
1044 RIVERSIDE DR.  
COSTA MESA, CA  
(949) 923-7319

PROPOSED LAND USE:  
4 LIVING UNIT PARCELS FOR SINGLE  
FAMILY RESIDENTS.

THERE ARE NO EXISTING WATERCOURSES  
AND NO LAND SUBJECT TO OVERFLOW,  
INUNDATION OR FLOOD HAZARD.  
PROJECT IS LOCATED IN ZONE X PER  
MHP 0660590267# DATED 2-18-04.

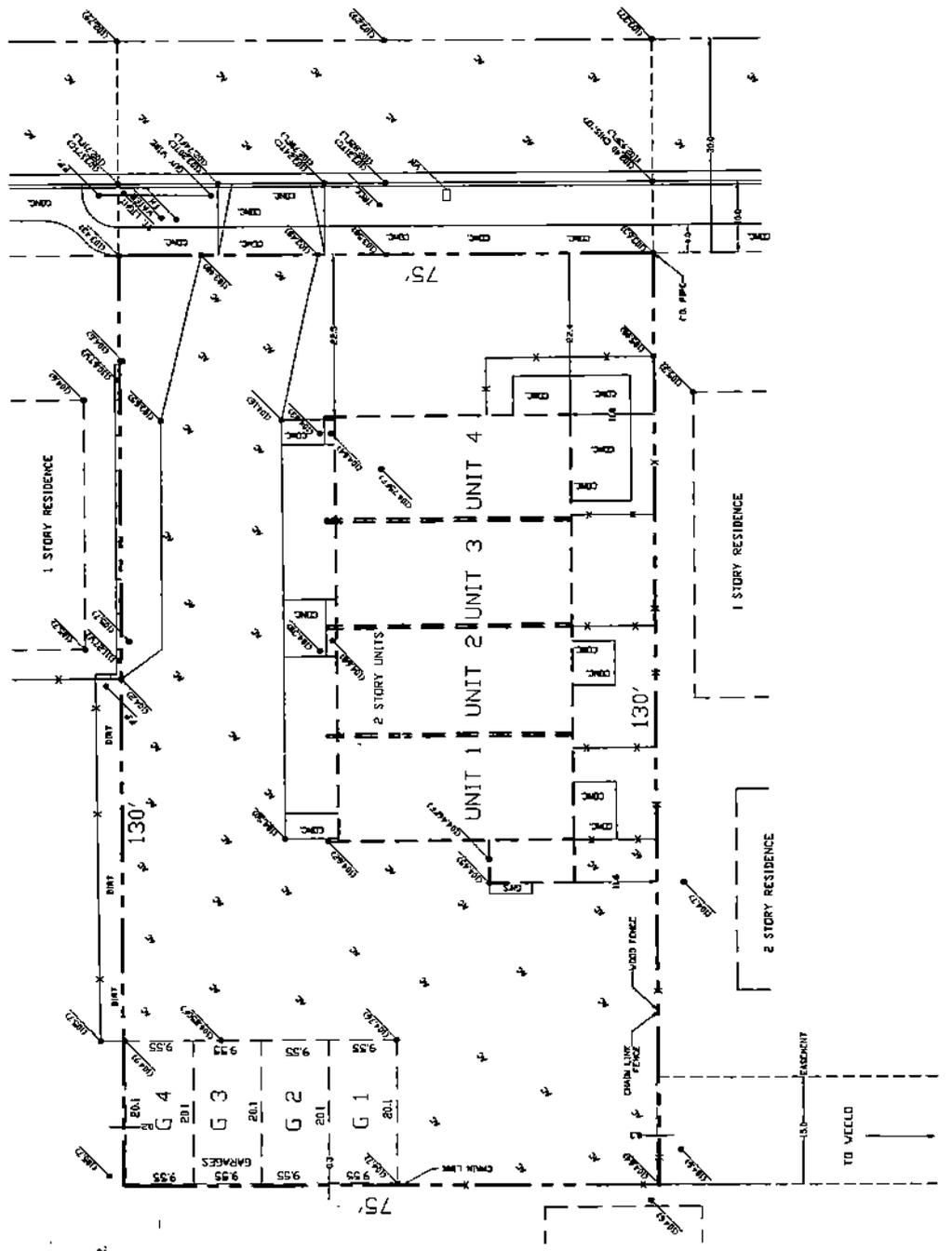
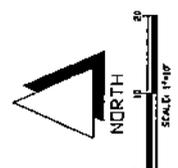
BENCH MARK:  
MHP 06-39-01  
ELEVATION: 108.44'

SET IN THE SOUTHWEST CORNER OF A 3.11 AC. IS. FT.  
SECTION 16, T. 33 N., R. 12 E., S. 12 E.,  
SOUTHWEST CORNER OF THE INTERSECTION OF  
AND 18TH STREET, 33 FT. EASTLINE OF THE CENTERLINE OF  
SOUTHWEST CORNER SECTION.

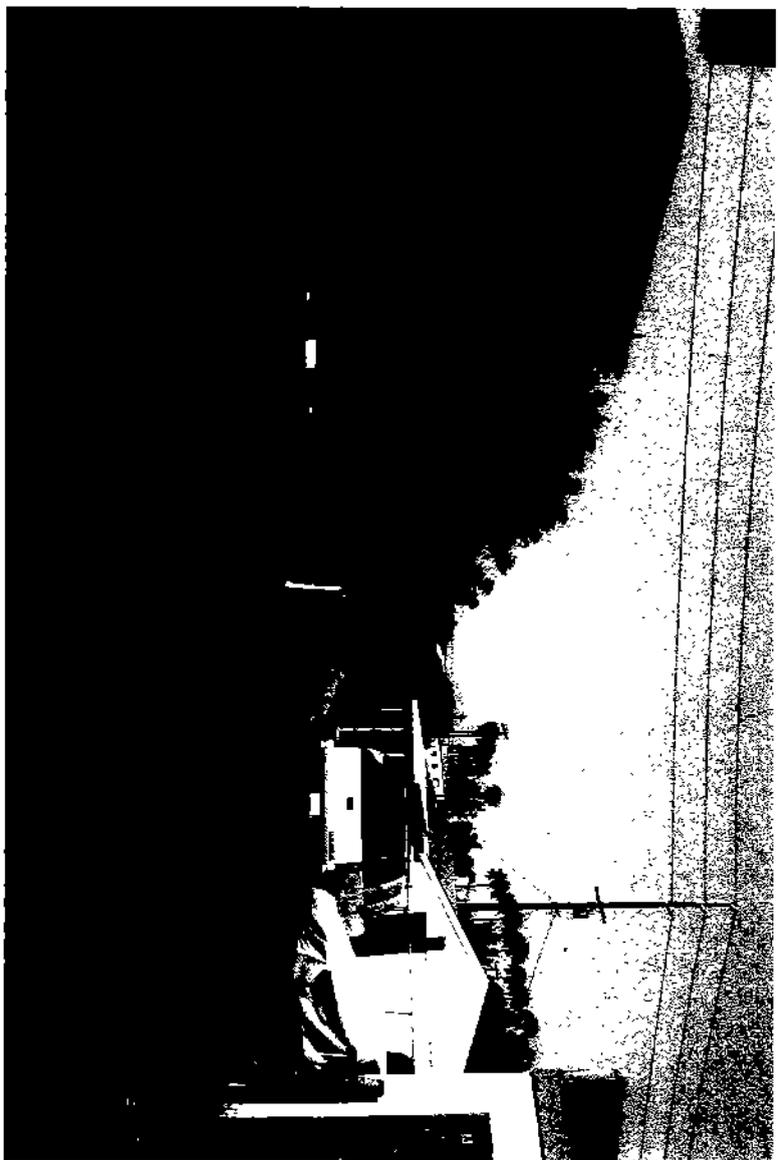
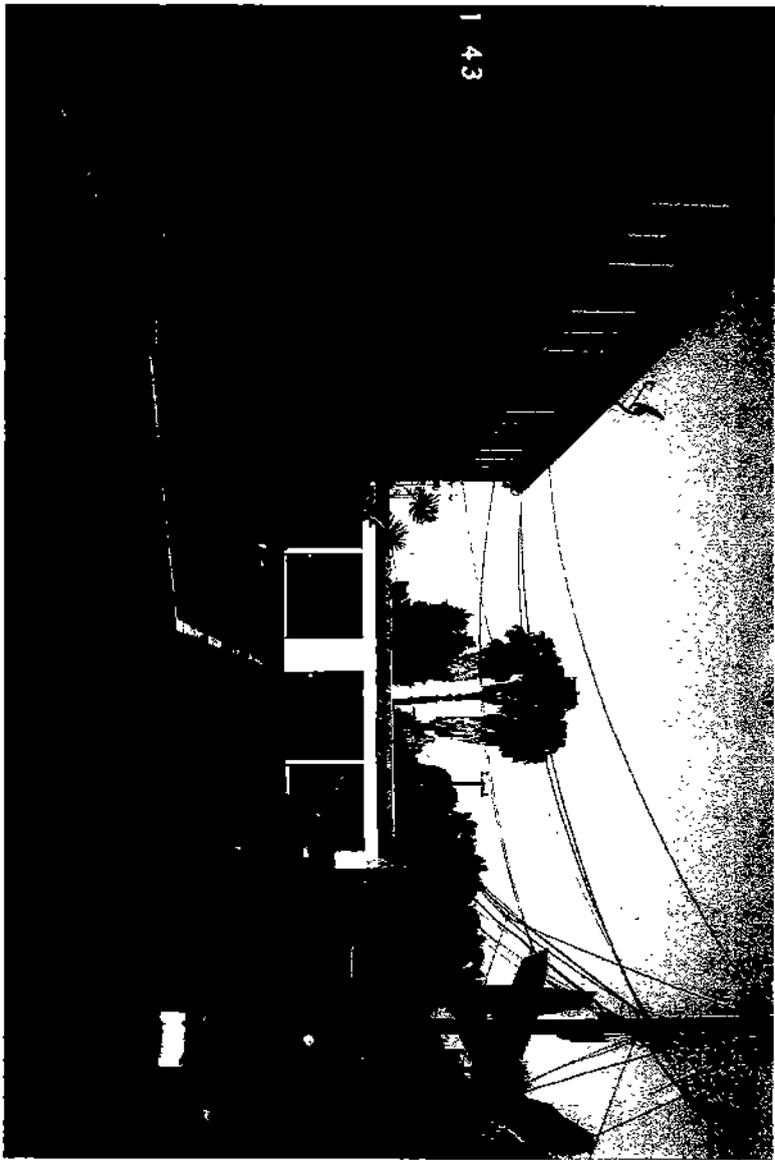
AREA: 9,750 SQ. FT.



LEGEND	DESCRIPTION
BRICK WALL	BRICK WALL
BUILDING	BUILDING
LOT LINE	LOT LINE
WATER METER	WATER METER
FINISH FLOOR	FINISH FLOOR
G.F.	GARAGE FLOOR
CONC.	CONCRETE
P.S.	FINISH SURFACE
M.H.	MAN-HOLE
AC.	ASPHALT



PM-06-250/Fik



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COSTA MESA APPROVING PLANNING APPLICATION PA-06-  
59 AND PARCEL MAP PM-06-250**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Louie Del Real, authorized agent for property owner Aurelio Pimentel, with respect to the real property located at 1843 Pomona Avenue, Units A through D, requesting approval of the conversion of a fourplex to a common interest development (condominiums), in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 25, 2007, and PA-06-59/PM-06-250 was denied by Planning Commission; and

WHEREAS, the item was appealed by Louie Del Real to the City Council on July 2, 2007; and

WHEREAS a duly noticed public hearing was held by the City Council on July 17, 2007;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **APPROVES** Planning Application PA-06-59 and Parcel Map PM-06-250 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-06-59 and Parcel Map PM-06-250 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 17<sup>th</sup> day of July 2007.**

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Mayor of the City of Costa Mesa

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COSTA MESA DENYING PLANNING APPLICATION PA-06-  
59 AND PARCEL MAP PM-06-250**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Louie Del Real, authorized agent for property owner Aurelio Pimentel, with respect to the real property located at 1843 Pomona Avenue, Units A through D, requesting approval of the conversion of a fourplex to a common interest development (condominiums), in the R2-HD zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 25, 2007, and PA-06-59/PM-06-250 was denied by Planning Commission; and

WHEREAS, the item was appealed by Louie Del Real to the City Council on July 2, 2007; and

WHEREAS a duly noticed public hearing was held by the City Council on July 17, 2007;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **DENIES** Planning Application PA-06-29 and Parcel Map PM-06-250 with respect to the property described above.

**PASSED AND ADOPTED this 17<sup>th</sup> day of July 2007.**

\_\_\_\_\_  
Mayor of the City of Costa Mesa

ATTEST:

\_\_\_\_\_  
Deputy City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)  
COUNTY OF ORANGE )ss  
CITY OF COSTA MESA )

I, Julie Folcik, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 17<sup>th</sup> day of July 2007.

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Deputy City Clerk and ex-officio Clerk of the  
City Council of the City of Costa Mesa

**EXHIBIT "A" (APPROVAL)****FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(10) in that, although the critical vacancy rate is less than the rate established in Section 13-42(c) (Residential Common Interest Development Conversions), the conversion of the units would not result in the displacement of seniors because there are none residing on the property and would not result in a loss of affordable rental units. Conversion of the apartments will result in a general upgrading of the property, as well as providing additional home ownership opportunities within the City. To ensure that existing tenants are not displaced unreasonably, a condition of approval is included requiring current tenants be offered right of first refusal to purchase, or the property owner pay registration fees for an apartment search service to help them find a new apartment if they decide not to purchase.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-20(g)(6) in that the minor modification for a 4-foot encroachment into the required 20-foot front setback will not be materially detrimental to the health, safety and general welfare of persons residing within the immediate vicinity of the project or to property and improvements within the neighborhood. The minor deviation allows for enhancement of the existing development without increasing building mass or creating a visual impact.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(e) in that:
- a. The project is compatible and harmonious with existing development and uses in the general neighborhood.
  - b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.
  - c. The project is consistent with the General Plan's Land Use and Housing Element goals and objectives for additional ownership housing and to improve the balance between rental and ownership housing opportunities within the City.
  - d. The planning application is for a project-specific case and is not to be construed to be setting a precedent for future development.
  - e. The cumulative effect of all the planning applications has been considered.
- D. The proposed single lot airspace subdivision is consistent with the City's General Plan and Zoning Ordinances.
- E. Approval of the subdivision will allow additional home ownership opportunities without impacting affordable rental housing. This is consistent with the objectives, policies, general land use, and programs specified in the General Plan.
- F. The subject property is physically suitable to accommodate PM-06-250 in terms of type, design and density of development, and will not result in substantial environmental damage nor public health problems, based on compliance with the City's Zoning Code and General Plan.

- G. The design of the subdivision provides, to the extent feasible, for future passive or natural heating and cooling opportunities in the subdivision, as required by Government Code Section 66473.1.
- H. The subdivision and development of the property will not unreasonably interfere with the free and complete exercise of the public entry and/or public utility rights-of-way and/or easements within the tract.
- I. The discharge of sewage from this subdivision into the public sewer system will not violate the requirements of the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000 of the Water Code).
- J. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15301.
- K. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "A" (DENIAL)****FINDINGS**

- A. The information presented does not substantially comply with Costa Mesa Municipal Code Section 13-20(g)(6) in that the minor modification for a 4-foot encroachment into the required 20-foot front setback will be materially detrimental to the health, safety and general welfare of persons residing within the immediate vicinity of the project or to property and improvements within the neighborhood.
- B. The information presented does not substantially comply with Costa Mesa Municipal Code Section 13-29(e) in that:
  - a. The project is not compatible and harmonious with existing development and uses in the general neighborhood.
  - b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.
- C. The proposed single lot airspace subdivision is not consistent with the City's General Plan and Zoning Ordinances.
- D. The subject property is not physically suitable to accommodate PM-06-250 in terms of type, design and density of development.

**EXHIBIT "B"****CONDITIONS OF APPROVAL (if project is approved)**

- Plng. 1. The following improvements shall be made:
- a. Complete all exterior and interior improvements listed in the "Scheduled List of Improvements" submitted by the applicant. All requirements are to be completed under the direction of the Planning staff.
  - b. Add landscape/hardscape per plans, under the direction of the Planning staff.
2. The address of the property and individual units (A through D) shall be blueprinted on the site plan and on all floor plans in the working drawings as part of the plan check submittal package.
  3. Prior to issuance of building permits, applicant shall contact the U.S. Postal Service with regard to location and design of mail delivery facilities. Such facilities shall be shown on the site plan, landscape plan, and/or floor plan.
  4. Street addresses shall be displayed on the complex identification sign or, if there is no complex identification sign, on the wall in a manner visible to the public street. Street address numerals shall be a minimum 6" in height with not less than ½" stroke and shall contrast sharply with the background. Identification of individual units shall be provided adjacent to the unit entrances. Letters or numerals shall be 4" in height with not less than ¼" stroke and shall contrast sharply with the background.
  5. Applicant shall contact the Building Safety Division, prior to the release of utilities for any units, to provide proof that the Uniform Building Code requirements for condominiums have been satisfied, to obtain a change of occupancy permit, and to complete any additional paperwork created through this conversion.
  6. The site plan shall show provisions for the placement of centralized mail delivery units, if applicable. Specific locations for such units shall be to the satisfaction of the Planning Division, Engineering Division, and the U.S. Postal Service.
  7. The conditions of approval and code requirements of Planning Application PA-06-59/PM-06-250 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  8. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to the final map approval. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  9. The applicant shall show proof of compliance with all applicable conditions of approval and code requirements prior to recordation of the final map. This condition shall be completed under the direction of the Planning Division.
  10. The applicant shall offer the existing tenants right of first refusal to purchase any of the units with terms more favorable than those offered to the general public. The right shall run for a period of not less than 90 days unless the tenant gives prior written notice of his or her

- intention not to exercise the right. If an existing tenant confirms in writing that he/she is not interested in purchasing any of the units, the applicant shall register the tenant with an apartment/rental referral service that is mutually acceptable to the applicant and tenant, and if a registration fee is required, the applicant shall pay said fee. The applicant shall provide the Planning Division staff a copy of the written offer and the tenant's written response prior to map recordation. The applicant shall also provide written evidence that all tenants not accepting the purchase offer are registered with an apartment/rental referral service and the registration fee has been paid, if applicable.
11. The CC&Rs shall disclose that the available parking on-site is 4 spaces short of the current condominium parking standards because of its legal nonconforming status.
  12. The CC&R's shall require that garage spaces be used for parking purposes only. Any changes made to this provision require prior review and approval by the City of Costa Mesa.
  13. In conjunction with project plan check review and approval, submit two (2) sets of detailed landscaped and irrigation plans which comply with Municipal Code requirements regarding landscaping materials and irrigation including percentage of turf allowed, number of trees and shrubs, etc., and provision of benderboard or other separation between turf and shrub areas.
  14. The exterior of all building elevations shall be completely repainted (unless recently painted within 1 or 2 years of application submittal). A minimum two colors shall be used, three colors recommended.
  15. Install energy efficient exterior doors and windows on all building elevations.
  16. Provide exterior storage area for every unit under the direction of the Planning staff.
  17. Underground overhead power line connections.
  18. Install rain gutters on all appropriate building elevations.
  19. Replace any broken sidewalks, driveways, or other hardscape improvements.
  20. Repair, replace, or construct interior property walls and/or fences.
  21. Screen utility meters, pedestals, etc. from the public right-of-way under the direction of the Planning Division.
  22. Replace all appliances, water heater, and light fixtures with Energy Star (or better) rated appliances/fixtures, including a programmable heating system, unless the applicant demonstrates that the existing appliances, etc. are energy efficient.
  23. Provide a washer/dryer hook-up in the interior of every unit.
  24. Provide appropriate interior separation of any common attic space areas and upgrade attic insulation to the maximum extent feasible.
  25. Each unit shall have access to the electrical branch circuits that serve the unit, and each unit shall have a minimum 100-amp service.
  26. The applicant shall contact utility companies (e.g., gas, electricity, and water) for requirements and to obtain separate meters for each unit.
  27. Provide separate water heaters for each unit.
  28. The applicant shall work with Planning and Building staff to convert the existing laundry room into either storage room or demolish for open space.

- Bldg. 29. The following Building Division corrections shall be made to all units:
- a. Provide GFCI Protected receptacles at all required areas.
  - b. Remove extension cords in garages.
  - c. Maintain clearances at electrical panels next to refrigerators.
  - d. Provide seismic straps for water heaters.
  - e. Temperature and pressure relief valve requires discharge to the exterior.
  - f. Install smoke detectors at all required areas.
30. Replace all electrical wiring, outlets, switches, interior lighting (title 24) sub panels and exterior lighting.
31. Replace all above ground plumbing and add tankless water heaters, camera test the sewer line and replace if needed, add main sewer clean outs and complete a water test.
32. Replace all gas lines (interior and exterior) and conduct a pressure test.
33. Install new ducting as needed, registers, and gas efficient HVACs.
34. Check all framing for integrity and replace if needed.
35. Install all new double paned low E glass windows and exterior doors.
36. Replace all insulation.
37. Install new stucco, paint, and carpet as needed.
38. Replace all drywall with soundboard.

house: 949-646-4601

RECEIVED  
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CITY OF COSTA MESA  
P. O. Box 1200  
Costa Mesa, CA 92628-1200

FEE: \$1,085.00

JULY 2 2007 JUN 30 PM 12:12

APPLICATION FOR REVIEW, APPEAL OR REHEARING

CITY OF COSTA MESA

BY City  
Applicant Name LOUIE DEL REAL / AURELIO PIMENTEL  
Address 1843 POMONA AVE  
Phone 949-646-4601 Representing\* MARIA PIMENTEL

REQUEST FOR:  REVIEW\*\*  APPEAL  REHEARING

Decision of which review, appeal or rehearing is requested: (give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) PA-06-59 / PM-06-17 Date of

Hearing was on 6/25/07

Decision by: DON HAY Reasons for requesting review, appeal or rehearing: I am appealing this decision because we were denied. I do not think this was a fair decision. I have reviewed previous hearings on the city's web site and other property with less parking and older buildings have been granted condo conversions. I am going to add additional improvements per the hearing on 6/25/07 and my review of the previous hearings. This project was also recommended "APPROVAL" by Wendi Spie of the planning dept.

Date: 7/2/07 Signature: Janie Del Real

For office use only do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:  
If review, appeal or rehearing is for person or body other than City Council/Planning Commission, date of hearing of review, appeal or rehearing:

\* If you are serving as the agent for another person, please identify the person you represent and provide proof of agency.  
\*\* Review may be requested only by City Council or City Council Member  
Costa Mesa/Forms1/Application for Review-Appeal-Rehearing

**06-25-07 PC Minute Excerpt for PA-06-59 and PM-06-250 - Unofficial Until Approved**

3. **Planning Application PA-06-59 and Parcel Map PM-06-250, for Louie Del Real, authorized agent for Aurelio Pimentel, for a residential common interest development conversion of 4 apartment units into condominiums and a parcel map to facilitate the conversion, located at 1843 Pomona Street, in an R2-HD zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report and said staff recommends approval by adoption of Planning Commission resolution, subject to conditions. Vice Chair Fisler noted his concerns about the "clean" termite report and wants staff to review the report.

Louie Del Real, authorized agent for the owner Aurelio Pimentel, said he was in agreement with the conditions of approval. He noted that the property recently changed ownership two years ago and everything, including the termite issue, was fixed.

Fred Solter, representing Solter Family Trust, adjacent property owner, spoke in favor of this project.

Mr. Del Real discussed with Vice Chair Fisler that the structural engineering looked good and no improvements would be made to the plumbing and electrical behind the drywall. He also stated that he would comply with the 100-amp service and the condition of the driveway was fair.

Mr. Solter returned to the podium and explained that the sewer lines looked good in reply to the Chair's suggestion of video-inspecting the sewer. There was a discussion concerning if there was a building code requirement about the sewer and Condition of Approval Nos. 13 and 27 being redundant.

Commissioner Egan proposed modifications to the Conditions of Approval, as follows:

Condition of Approval No. 29 should read, "The Applicant shall demolish the laundry room."

31. All garages shall be equipped with new doors and new garage openers.
32. Patios shall be made of concrete.
33. The applicant shall video tape the sewer.

The Chair, Commissioner Egan and Mr. Del Real discussed useable open space and paving the yard.

MOTION: Approve Planning Application PA-06-59 and Parcel Map PM-06-250, by adoption of Planning Commission Resolution PC-07-50, subject to the findings in Exhibit "A" and the conditions of approval in Exhibit "B", with the Condition of Approval No. 13 as is.

Moved by Chair Donn Hall, but the motion died for lack of a second.

Vice Chair Fisler stated that he does not like the project and it is very dense and underparked.

Mr. Del Real said that he just wants to complete the project.

Commissioner Clark explained to the Chair that this project does not have enough parking or open space; the driveway is not being repaved; and there are plumbing, electrical, and density concerns.

Vice Chair Fisler reiterated that he wants an updated termite report and the common walls taken out. He then made a motion.

**MOTION: Denied Planning Application PA-06-59 and Parcel Map PM-06-250, by adoption of Planning Commission Resolution PC-07-50, on the basis (Findings) as follows:**

**Findings**

**A. The information presented does not substantially comply with Costa Mesa Municipal Code Section 13-20(g)(6) in that the minor modification for a 4-foot encroachment into the required 20-foot front setback will be materially detrimental to the health, safety and general welfare of persons residing within the immediate vicinity of the project or to property and improvements within the neighborhood.**

**B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(e) in that:**

**a. The project is not compatible and harmonious with existing development and uses in the general neighborhood.**

**b. Safety and compatibility of the design of buildings, parking areas, landscaping, luminaries and other site features, which includes functional aspect of the site development such as automobile and pedestrian circulation, have been considered.**

**C. The proposed single lot airspace subdivision is not consistent with the City's General Plan and Zoning Ordinance.**

**D. The subject property is not physically suitable to accommodate PM-06-250 in terms of type, design and density of development.**

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

The Chair and Vice Chair Fisler thanked Mr. Del Real.

The motion carried by the following roll call vote:

Ayes: Vice Chair James Fidler, Commissioner Sam Clark, and Commissioner Eleanor Egan

Noes: Chair Donn Hall

Absent: Commissioner James Righeimer

The Chair stated the appeal process.



# **CITY OF COSTA MESA**

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

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DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT,**

**PLEASE CONTACT THE CITY CLERK'S OFFICE AT**

**(714) 754-5121**