

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
August 13, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., August 13, 2007, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Hall.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Commissioner Egan led the Pledge of Allegiance.

**II. ROLL CALL: Chair: Donn Hall
Vice Chair: James Fisler
Commissioners: Sam Clark, Eleanor Egan, and James Righeimer**

Present: Chair Donn Hall
Vice Chair James Fisler
Commissioner Sam Clark
Commissioner Eleanor Egan
Commissioner James Righeimer

Absent: None.

Also Present: Planning Commission Secy. R. Michael
Robinson

Deputy City Attorney Tom Duarte
Acting City Engineer Thomas L. Banks
Building Official Khanh Nguyen
Principal Planner Kimberly Brandt
Senior Planner Mel Lee

III. **MINUTES: Minutes for the meeting of July 23, 2007**

The Chair approved the minutes as distributed.

IV. **PUBLIC COMMENTS:**

There were no public comments.

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

Commissioner Clark commented on visiting the Orange County Fair and noted that the glass blower may not be at the Fair next year due to increased site fees.

VI. **PUBLIC HEARINGS:**

1. **From the meeting of July 23, 2007, Zoning Code Amendment CO-07-01, regarding development standards and review procedures for conversions of apartments to residential common interest developments and non-residential projects to common interest developments. Environmental determination: exempt.**

Principal Planner Kimberly Brandt suggested that four additional small changes be made to the working draft ordinance pursuant to their earlier dinner study session discussion, as follows:

Handwritten Page 6, Section 1.c.a: ~~The critical vacancy rate for apartments is more than the rate established in Section 13-42(c), RESIDENTIAL COMMON INTEREST DEVELOPMENT CONVERSIONS and, therefore, approval of the residential common interest development conversion will not diminish the supply of rental housing; or~~

~~The critical vacancy rate for apartments is equal to or less than the rate established in Section 13-42(c) RESIDENTIAL COMMON-INTEREST DEVELOPMENT CONVERSIONS,~~ however, the applicant has submitted an adequate and legally binding plan which ~~mitigates~~ addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and

Handwritten Page 14, Section 13-41(c)(2)b: Membership shall be mandatory for each buyer owner and any successive buyer owner.

Handwritten Page 14, Section 13-41(c)(2)c: Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept ~~open~~ and available for tenant parking shall be written into the covenants, conditions and restrictions for each project.

Handwritten Page 16, Section 13-42(d): Inspection fee. ~~There~~ The applicant shall be pay an inspection fee, established by the ~~Building Division~~ City Council, to determine compliance of the existing units with all appropriate building codes as noted in Section 13-42(f)(2).

Handwritten Page 25, Section 13-54.52(2)b: Membership shall be mandatory for each buyer owner and any successive buyer owner.

Commissioner Egan noted, and Ms. Brandt agreed, that the inspection fee wording on Page 26, Section 13-54.53(c) should also be changed, as follows:

Handwritten Page 26, Section 13-54.53(c): Inspection fee. There- The applicant shall be pay an inspection fee, established by the City Council, to determine compliance of the existing units with all appropriate building codes, as noted in subsection (f)(2).

Harvey Berger, Berger Development Company, spoke about parking requirements (one

parking space for each additional bedroom); private open space (use outdoor area space instead of parks); and fast-tracking for Planning Applications (bring application before the Planning Commission within six weeks of receipt of completed application). No one else wished to speak and the Chair closed the public hearing.

The Chair, Commissioner Righeimer, Commissioner Egan, Commissioner Clark, and Ms. Brandt discussed parking carports; the circumstances for a variance; and the requirement for covered parking.

The Chair, Vice Chair Fidler, and Ms. Brandt discussed common open space; the justification needed for a variance; and application processing time.

The Chair closed the public hearing.

MOTION: Recommend City Council give first reading to ordinance with the following modifications:

Handwritten Page 6, Section 1.c.a: ~~The critical vacancy rate for apartments is more than the rate established in Section 13-42(c), RESIDENTIAL COMMON INTEREST DEVELOPMENT CONVERSIONS and, therefore, approval of the residential common interest development conversion will not diminish the supply of rental housing; or~~ The critical vacancy rate for apartments is equal to or less than the rate established in Section 13-42(c) RESIDENTIAL COMMON INTEREST DEVELOPMENT CONVERSIONS, however, the The applicant has submitted an adequate and legally binding plan which mitigates addresses the displacement of long-term residents, particularly senior citizens and low- and moderate-income families and families with school-age children; and

Handwritten Page 14, Section 13-41(c)(2)b: Membership shall be mandatory for each buyer

owner and any successive buyer owner.

Handwritten Page 14, Section 13-41(c)(2)c:
Provisions to restrict parking upon other than approved and developed parking spaces and to require that garages be kept open and available for tenant parking shall be written into the covenants, conditions and restrictions for each project.

Handwritten Page 16, Section 13-42(d):
Inspection fee. ~~There~~ The applicant shall be pay an inspection fee, established by the ~~Building Division~~ City Council, to determine compliance of the existing units with all appropriate building codes as noted in Section 13-42(f)(2).

Handwritten Page 25, Section 13-54.52(2)b:
Membership shall be mandatory for each buyer owner and any successive buyer owner.

Handwritten Page 26, Section 13-54.53(c):
Inspection fee. There The applicant shall be pay an inspection fee, established by the City Council, to determine compliance of the existing units with all appropriate building codes, as noted in subsection (f)(2).

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

2. [From the meeting of July 23, 2007, Planning Application PA-06-74, for Richard Su, authorized agent for Carrie Wang and Yukie Takeuchi, for a design review to construct a 3-unit, 2-story small lot common interest development with variances from](#)

minimum and average lot sizes (3,000 sq. ft. minimum with overall average of 3,500 sq. ft. required; 2,488 sq. ft. minimum with overall average of 2,886 sq. ft. proposed) and driveway parkway landscaping (10 ft. combined with 5 ft. minimum on house side required; 6 ft. combined with 3 ft. on house side proposed), and minor modifications for a 16 ft. front setback (20 ft. required), 8 ft. building separation (10 ft. required), and minimum 13 ft. driveway width (16 ft. required), located at 134 Santa Isabel Avenue, in an R2-MD zone. Environmental determination: exempt.

The Chair stated that this Planning Application was withdrawn.

3. From the meeting of July 9, 2007, Planning Application PA-07-05, for Leonard Bekemeyer, authorized agent for Nick Kareotes, for a design review for a 4-unit, 2-story residential common interest development that does not meet the Residential Design Guidelines for second-to-first floor ratio (80% maximum recommended; 110% proposed) and for second-to-first floor left side setback (10 ft. average recommended; 8 ft. average proposed), with variances from open space (40% required; 36% proposed) and driveway parkway landscaping requirements (10 ft. combined width required; 3 ft. to 8 ft. proposed), located at 390 West Bay Street, in an R3 zone. Environmental determination: exempt.

The Chair stated that this Planning Application was withdrawn.

4. Extension of time for Planning Applications PA-01-03 and PA-01-04, for Patrick Shea, authorized agent for Beacon Bay Enterprises, Inc., to allow motor vehicle sales on the front half of the lot with an administrative adjustment to deviate from front landscape setbacks for auto display (20-foot landscape setback required, 15-foot landscape setback proposed); and to allow outdoor storage of motor vehicles on the rear half of the lot, located at 2059 Harbor Boulevard in a C2 zone. Environmental Determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report and there were no questions of staff.

Yvonne Duhl, Wesley N. Taylor
Company, representing Beacon Bay Enterprises,
Inc. and Robins Properties, discussed site
remediation with the Chair.

The Chair closed the public hearing.

**MOTION: Approve a one-year extension of time
for Planning Applications PA-01-03 and PA-01-
04, by adoption of Planning Commission
Resolution PC-07-54.**

**Moved by Commissioner Eleanor Egan,
seconded by Commissioner James Righeimer.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

5. [Parcel Map PM-07-100, for Keith Scheinberg, for a parcel map to facilitate a 2-unit residential common interest development approved under PA-06-69, located at 285 E. 16th Street, in an R2-MD zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and there were no questions of staff.

Keith Scheinberg, applicant, gave no presentation.

**MOTION: Approve Parcel Map PM-07-100, by
adoption of Planning Commission Resolution
PC-07-55, based on the evidence in the record
and findings contained in Exhibit "A", subject to
conditions in Exhibit "B".**

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

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

6. [Parcel Map PM-07-150, for Bahman and Farideh Bahrami, for a parcel map to facilitate a 2-unit residential common interest development approved under PA-07-06, located at 150 Rochester Street, in an R2-HD zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and there were no questions of staff.

The applicant was not present.

MOTION: Approve Parcel Map PM-07-150, by adoption of Planning Commission Resolution PC-07-56, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B".

Moved by Vice Chair James Fisler, seconded by Commissioner Eleanor Egan.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

7. [Planning Application PA-07-13 and Tentative Tract Map T-17180, for Albert Armijo, authorized agent for D'Alessio Investments, to construct a five-unit, two-story, detached residential common interest development that does not meet the Residential Design Guidelines for second-to-first floor ratio](#)

for at least three of the units (80% recommended; 86% to 92% proposed) and for second floor side setback for at least one of the units (10-foot average recommended; 6.5-foot average proposed), with a tentative tract map to facilitate the project, located at 1758 through 1764 Anaheim Avenue, in an R2-MD zone. Environmental Determination: exempt.

Senior Planner Mel Lee reviewed the information in the staff report.

Mr. Lee identified the open parking spaces from the overhead slide for Commissioner Clark.

Mr. Lee discussed with Vice Chair Fidler about the side setback variance, and that the second to first floor ratio (80%) is now part of the code requirements. He said a variance applies for this project.

Mr. Lee explained the car crossing pedestrian path noted in the staff report to Commissioner Egan. He also stated that Transportation Services required the pedestrian path, and all requirements have been met by the applicant.

Albert Armijo, representing D'Alessio Investments, gave a presentation on the project and its design.

Mr. Armijo noted to Vice Chair Fidler that the block wall would be installed.

Mr. Armijo explained to the Chair about the second floor side setback proposed for Plan 4 and that the less than 10-foot average recommended in the Residential Design Guidelines should be acceptable due to the open deck area being provided.

Tu Do, Project Designer for D'Alessio Investments, showed the drawings for Plan 4, with the inclusion of the open deck, and said the open deck element enhances the architecture.

Mr. Armijo discussed with Commissioner Clark his estimate of 150 feet as being the distance from the center of the alley to the closest street access.

Derek Jaeger, Costa Mesa, stated that this project directly affects him and abuts his yard, impeding his back fence. He said this project does not fit the area and opposes the project.

Jeff Martin, Costa Mesa, pointed out that this was a bad piece of property, but a good project. He suggested that the applicant talk to the nearby homeowners.

Beth Refakes, Costa Mesa, stated her concerns about the access to the alley, the pedestrian path, adjacent businesses being open late, and the overall appearance. She suggested the project be redesigned.

Natalie Jaeger, Costa Mesa, expressed reservations about people using the alleyway for both business and home access. She also noted her privacy concerns and questioned if fire trucks could access these homes via the alley.

Mr. Armijo returned to the podium and addressed comments of the public. He said the applicant's responsibility is to construct this project to the development standards and the code, and there is a requirement to improve the alley. Additionally he noted that they are in compliance with the Orange County Fire Authority. Relating to the privacy issue, he mentioned their window designs will enhance this issue.

Mr. Do explained to Vice Chair Fidler that stamped concrete would be used for Condition of Approval No. 6.

Mr. Do discussed with Commissioner Clark the window size and location as noted in the staff report.

Mr. Armijo stated to the Chair that he would talk with the neighbors on this project.

Mr. Armijo explained to Commissioner Clark that the average daily trips for the alley were 20 in and 20 out, and restaurant delivery trucks used the alley in

the midmorning. Mr. Lee also explained to Commissioner Clark that there are minimal traffic impacts to the alley and the overall concern is of the delivery truck proximity rather than the actual daily trips.

The Chair closed the public hearing.

Commissioner Egan said she liked the project, but noted the illegal storage of boats and the work being done on the boats was keeping her from voting on this project. She then made a motion.

MOTION: Continue 30 days to the Planning Commission meeting of Sept. 10, 2007 for the applicant to remove the illegal storage of boats on the property.

Moved by Commissioner Eleanor Egan, seconded by Chair Donn Hall.

During discussion on the motion, the Chair, Commissioner Egan, and Mr. Lee talked about the illegal boat storage.

In response to the Chair's question about the illegally-stored boats, Mr. Armijo responded that the boats would be moved right away.

Commissioner Righeimer said he was very impressed with the architect's work, liked the number of parking spaces, and supports Commissioner Egan's motion.

Vice Chair Fislser stated that he likes the project and agrees with Commissioner Egan's concerns.

Commissioner Clark agreed and supported Commissioner Egan's motion and said he wants the illegal boats removed.

In response to Commissioner Egan's question as to the date of the continuance, Mr. Robinson stated the date would be September 10, 2007.

Commissioner Clark asked that the applicant meet with the neighbors within the next 30 days.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: None.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, AUGUST 27, 2007.

There being no further business, Chairman Hall adjourned the meeting at 8:04 p.m. to the Planning Commission meeting of Monday, August 27, 2007.

Submitted by: _____
R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION