

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

**November 13, 2006**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., November 13, 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, and Bruce Garlich

Also Present: R. Michael Robinson, Secretary

Costa Mesa Planning Commission

Christian Bettenhausen, Deputy City Attorney

Ernesto Munoz, City Engineer

Mel Lee, Senior Planner

Wendy Shih, Associate Planner

**MINUTES:**

The minutes for the meeting of October 23, 2006 were accepted as distributed.

**PUBLIC COMMENTS:**

None.

**PLANNING COMMISSION  
COMMENTS/SUGGESTIONS:**

Vice Chair Donn Hall mentioned an article in the Register about Donald Trump needing "permission" to erect a flagpole with an American flag on it.

Chair Bill Perkins wished everyone a happy and safe Thanksgiving.

**PUBLIC HEARINGS:**

**PLANNING COMMISSION  
REVIEW OF ZONING  
APPLICATION ZA-06-51**

**MARK MITCHELL/D'ALESSIO  
INVESTMENTS**

The Chair opened the public hearing for consideration of Zoning Application ZA-06-51, for Mark Mitchell, authorized agent, for D'Alessio Investments, for a minor conditional use permit to allow three storage containers (640 sq. ft. total) and for outdoor seating area within the front landscaped setback, located at 440 Fair Drive, in a C1 zone. Environmental determination: exempt.

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

Commissioner Egan stated for the record her concerns about the recycled materials, the five massage parlors, and asked Mr. Lee if there is a permit for outdoor storage and if there were any Police problems.

Mr. Lee replied that the City does not have a permit on file for the outdoor storage, the only storage that is the subject of this permit is the storage containers themselves. Also, Mr. Lee said he believes that there

have been some Police problems associated with this location, but does not have any details on that.

In response to a question from Commissioner Fisler, Mr. Lee confirmed that this request is to legalize these storage containers. If this request is not approved, the storage containers would have to be removed.

Dennis D'Alessio, applicant, D'Alessio Investments, 440 Fair Drive (Suite 200), indicated he read the staff report and agreed to the conditions of approval. He also gave a presentation and spoke about the benefits of this project.

The Chair opened the public hearing for public comments.

**PUBLIC COMMENT:**

Allen Bowman, 2502 Carnegie Avenue, Costa Mesa, spoke in opposition to the project and presented a petition with 62 signatures from residents in College Park opposing the project. He noted there are already four pizza restaurants near College Park, and this project does not fit into the residential neighborhood.

The Chair and Mr. Bowman had a discussion about one of the pizza restaurants.

Delores Sheahan, 2506 Colby Place, Costa Mesa, opposed the project citing noise and loitering concerns.

Ann Diniz, 450 Elmhurst Lane, Costa Mesa, opposed the project citing graffiti and noise concerns.

Alice Bowman, 2510 Carnegie Avenue, Costa Mesa, and mother of Allen Bowman, opposed the project citing traffic, loitering, and trash concerns.

Jason Martin, 440 Fair Drive, Costa Mesa, a business owner in the same building, spoke in favor of the project.

Rich D'Alessio, 440 Fair Drive, Suite 200, Costa Mesa, brother of the applicant and owner of the pizza restaurant, spoke of the benefits of this project and its service to the community.

Mr. Dennis D'Alessio continued to speak about the benefits of the pizza restaurant and presented a petition with 48 signatures in favor of this project. The signatures were from people working in the building and living in the neighborhood. He stated he believed that the graffiti was not from his clientele.

Mr. Lee replied to the Chair's question about Police concerns for this site address stating that there have been concerns relating to the massage

parlors and loitering.

Mr. D'Alessio explained that due to time constraints, he applied for storage containers after moving them to the site. He also explained to Vice Chair Hall that in answer to what's causing residents' concerns, the outdoor seating would be in front of the building, facing the street, and he offered to put cameras and lighting in, which would benefit the community.

There was also a discussion about the cyber café's closing time.

Mr. D'Alessio replied to Vice Chair Hall's question about having lighting and cameras placed in the parking lot by noting that he wants to make the area safe. Appropriate lighting was discussed.

There was a discussion about the closing time of the restaurant; serving alcohol; noise generating from the parking lot; and the Chair asked Deputy City Attorney Christian Bettenhausen about adding a condition to this application not to serve alcohol. The discussion continued about serving alcohol past a certain time, and Ms. Shih noted that a minor conditional use permit would be needed to serve alcohol past 11:00 p.m., otherwise serving alcohol is permitted.

The Chair closed the public hearing.

Vice Chair Hall discussed the application, in review, and moved for approval of Zoning Application ZA-06-51. The motion died for lack of a second.

Commissioner Egan asked if approval could be for just one of the issues (storage containers) and so moved for approval to allow three storage containers, and to modify the resolution, and Vice Chair Hall seconded the motion.

The Chair made a clarification and made a substitute motion.

A substitute motion was made by Chairman Perkins, seconded by Commissioner Fisler and carried 4-1 (Hall voted no) to deny Zoning Application ZA-06-51, by adoption of Planning Commission Resolution PC-06-82, based on public testimony and findings contained in exhibit "A".

During discussion on the motion, the Chair mentioned his concerns about legalizing the storage containers; the noise from an outdoor seating area; the proximity to the residents; alcohol use; and Police problems contributed to his substitute motion.

Vice Chair Hall discussed with Mr. Lee about the minor conditional use permit for outdoor storage containers.

**MOTION:  
ZA-06-51  
  
DENIED**

Commissioner Garlich supported the substitute motion.

The Chair explained the appeal process.

**ONE-YEAR EXTENSION OF  
TIME FOR PLANNING  
APPLICATION PA-04-22**

**BRADFORD L. SMITH/LINDA  
STIEFEL**

The Chair opened the public hearing for consideration of a one-year extension of time for Planning Application PA-04-22, for Bradford L. Smith, authorized agent for Linda Stiefel, to demolish 2 units and construct a 3-unit, small-lot common interest development with a variance from average lot size requirements (3,500 sq. ft. average required; 3,251 sq. ft. average proposed) and a minor modification for a reduction in driveway width (16 ft. required; 10 ft. proposed), located at 330 E. 15<sup>th</sup> 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 is recommending approval of the time extension by adoption of Planning commission resolution, subject to conditions.

Linda Stiefel, applicant, 3359 Via Tivoli, Costa Mesa, confirmed that she had read the staff report and is in agreement with the conditions of approval. She requested more time due to the fact that she lost her engineer for this project.

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

**MOTION:  
PA-04-22, ONE-YEAR TIME  
EXTENSION**

A motion was made by Commissioner Fisler, seconded by Commissioner Garlich and carried 5-0 to approve a one-year extension of time for Planning Application PA-04-22, by adoption of Planning Commission Resolution PC-06-83, based on analysis and information contained in the Planning Commission staff report and findings contained in exhibit "A", subject to conditions in exhibit "B".

**APPROVED**

**BREAK:**

The Chair called a recess and the meeting was resumed at 7:50 p.m.

**PLANNING APPLICATION  
PA-06-40**

**PAT SWANSON/MIKE YAMIN**

The Chair opened the public hearing for consideration of Planning Application PA-06-40, for Pat Swanson, authorized agent for Mike Yamin, to allow a common interest development conversion for an existing 24-unit apartment project in conjunction with a variance from private open space requirements for one of the units, located at 2043 Charle Street, Units A1-C7, in an R3 zone. Environmental determination: exempt.

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

Commissioner Garlich asked Mr. Lee to confirm their earlier conversation and staff's opinion on the demand for parking for apartments and

condos, and Transportation Services' findings that the demand for parking for apartments is slightly higher than if the same property is converted to condos.

Mr. Lee replied that the information is correct.

Commissioner Fisler inquired about the consistency of exhibit "A".

Mr. Lee replied that staff is comfortable with the findings that this proposal will not adversely affect the affordable housing stock within the City.

Pat Swanson, applicant, 105 Windchime, Irvine, confirmed that he had read the staff report and is in agreement with the conditions of approval. He spoke about the construction quality of these units and that each unit has air conditioning, washer/dryer, fire sprinklers, and an alarm system.

In response to a question from the Chair, Mr. Swanson confirmed the units are separately metered.

Commissioner Egan inquired if cabinets could be placed around the meters. Mr. Swanson replied that this could be done, and agreed to this condition.

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

**MOTION:  
PA-06-40**

A motion was made by the Vice Chair Hall, seconded by Commissioner Garlich and carried 5-0 to approve Planning Application PA-06-40, by adoption of Planning Commission Resolution PC-06-84, based on analysis and information contained in the Planning Commission staff report and findings contained in exhibit "A", subject to conditions in exhibit "B" with the following additional condition:

**APPROVED**

10. That the meters in front of the building will be shielded from view with an appropriate enclosure.

During discussion on the motion, Commissioner Garlich said that he supported the motion, and the parking is less of an issue.

Commissioner Egan suggested the wording of the additional condition for the utility meters, and supported the motion, stating same, even though there is a parking issue. She noted this was a newer project than some of the previous condo conversions and therefore, less likely to be redeveloped in the near future.

In addition, Commissioner Fisler supported the motion, but stated the project is still underparked.

**PLANNING APPLICATION**  
**PA-06-56**

**PAUL VILLAGRANA AND**  
**ANITA LORZ**

The Chair agreed and explained the appeal process.

The Chair opened the public hearing for consideration of Planning Application PA-06-56, for Paul Villagrana and Anita Lorz, for a minor conditional use permit for a new 840 sq. ft. (700 sq. ft. maximum allowed) detached garage with variances from rear yard setback (10 ft. required; 3 ft. proposed) and vehicle back out distance (25 ft. required; 19 ft. proposed) requirements, and a minor modification for 7 ft. high fence (6 ft. maximum allowed) located at 1944 Federal Avenue, in an R1 zone. Environmental determination: exempt.

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

The Chair asked Ms. Shih if we are justifying this recommendation by means of the alley, and backing up to industrial. Ms. Shih responded yes.

The Chair inquired if there is any Police Department or Fire Department concern with getting to that structure due to the proposed three-foot rear yard setback. Ms. Shih responded that both departments and Building Safety have reviewed the plans and have no objections to this proposal.

Commissioner Fisler asked Ms. Shih if we have a requirement of a five-foot setback from an alley. Ms. Shih replied that the alley does not extend to the entire width of the property so the setback does not apply in this case.

Vice Chair Hall asked Ms. Shih if the property owner considered putting the garage up against the wall instead of leaving a three-foot space. Ms. Shih responded that this might affect vehicle backout onto the alley.

Commissioner Egan requested it be put on the record that she made a visit to the site and spoke to the property owner. She learned that this proposal will be accommodating a recreational vehicle and a boat. She said AT & T and Edison easements run along the west side of the alley and that the applicant has obtained an approval to encroach into those easements with the garage. Also, she said the existing board fence needs its vegetation cut back, and she discussed the block walls.

Paul Villagrana and Anita Lorz, applicants, 1944 Federal Avenue, Costa Mesa, agreed to the conditions of approval.

Ms. Lorz said they want to make their neighborhood look nicer than it currently does. Also, she mentioned they contribute to local businesses in Costa Mesa.

The Chair asked the applicants to make sure that nothing is placed in the

three-foot setback, if their application is approved. Mr. Villagrana replied that this area would be free of storage.

Vice Chair Hall inquired why the garage was not placed up against the wall. Mr. Villagrana said that due to his neighbor's (Mesa Consolidated Water District) security concerns, he is not placing the garage up against the wall. Ms. Lorz said they have a letter of support from their neighbor.

**PUBLIC COMMENT:**

Jeff Williams, 1954 Federal Avenue, Costa Mesa, supports the project.

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

The Chair then called for the motion.

**MOTION:  
PA-06-56**

A motion was made by Commissioner Egan, seconded by Commissioner Fidler and carried 5-0, to approve Planning Application PA-06-56, by adoption of Planning Commission Resolution PC-06-85, based on public testimony, and analysis and information contained in the Planning Commission staff report and findings contained in exhibit "A", subject to conditions in exhibit "B".

**APPROVED**

The Chair explained the appeal process.

**PLANNING APPLICATION  
PA-06-57**

The Chair opened the public hearing for consideration of Planning Application PA-06-57, for Pat Merwin, authorized agent for IKEA Property, Inc., to amend Planning Application PA-99-34, to remove the condition of approval requiring a child care program, located at 1475 South Coast Drive, in a PDC zone. Environmental determination: exempt.

**PAT MERWIN/IKEA  
PROPERTY, INC.**

Assistant Development Services Director Michael Robinson asked that this item be continued to the Planning Commission meeting of January 22, 2007.

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

**MOTION:  
PA-06-57**

A motion was made by Commissioner Garlich, seconded by Chairman Perkins and carried 5-0 to continue Planning Application PA-06-57 to the Planning Commission meeting of January 22, 2007.

**CONTINUED TO MEETING OF  
01/22/07**

**REPORT OF THE DEVELOP-  
MENT SERVICES  
DEPARTMENT:**

None.

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

None.

**ADJOURNMENT:**

There being no further business, Chairman Perkins adjourned the meeting at 8:25 p.m. to the Planning Commission meeting of Monday, No-

vember 27, 2006.

Submitted by:

---

R. MICHAEL ROBINSON, SECRETARY  
COSTA MESA PLANNING COMMISSION