

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

July 10, 2006

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., July 10, 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
Christian Bettenhausen, Deputy City Attorney
Ernesto Munoz, City Engineer
Mel Lee, Senior Planner
Wendy Shih, Associate Planner
Rebecca Robbins, Assistant Planner

MINUTES:

The minutes for the meeting of June 26, 2006 were continued to the meeting of July 24, 2006.

**PLANNING COMMISSION
COMMENTS/SUGGESTIONS:**

Commissioner Garlich recognized and welcomed the new Rotary Club of Costa Mesa which had its charter dinner last Friday night that he and Commissioner Egan, and Vice Chair Hall were invited to.

Commissioner Fisler reminded the community that the season of Concerts In The Park begins on July 11, 2006 at Fairview Park at 6:15 p.m. to 7:45 p.m. The season will continue for the next six (6) Tuesdays.

Vice Chair Hall stated that on Wednesday, July 12, 2006, the Local Agency Formation Commission (LAFCO), is having a meeting in Santa Ana to decide who is going to include the Banning Ranch under their control for zoning and the use of the property. He expressed his hope that Costa Mesa would end up with having the Banning Ranch within the sphere of influence of Costa Mesa.

The Chair said he was grateful over the 4th of July holiday that no major incidents happened in the City. He said he participated in a police ride-along on the first of July and ended up chasing fireworks calls all night. He encouraged people not to light their fireworks until the 4th and be safe.

PUBLIC HEARINGS:

REZONE PETITION R-06-02

City/Coast Community College

The Chair opened the public hearing for consideration of Rezone Petition R-06-02 for Tom Denman, authorized agent for Coast Community College District to rezone four (4) acres from a combination of CL (Commercial Limited) and I & R (Institutional and Recreational) to P (off-street Parking), for property located at 1450 Adams Avenue. Environmental determination: exempt.

The Chair abstained from this item because he lives within 500 feet of the property. Vice Chair Hall took over as Acting Chair.

Assistant Planner Rebecca Robbins reviewed the information in the staff report and gave a presentation. She said staff was recommending approval to City Council, by adoption of Planning Commission resolution.

Commissioner Garlich asked if he was correct in assuming that it is staff's responsibility to review the site development plans, and this evening concerns only the rezone petition. Ms. Robbins confirmed.

He said as he understood it, this was an administrative oversight and requested an explanation as to why the applicant is not the City but someone else. Planning Commission Secretary R. Michael Robinson explained that at one time, there was discussion for having the City be the

applicant for this item, however, he was not sure how the final decision was made that the applicant is someone other than the City. Commissioner Garlich wanted the applicant to know that he has an opportunity to have his fees waived in this case, if in fact this was an oversight on the part of staff.

Tom Denman, authorized agent for Coast Community College District and Connell Chevrolet dealership. The parties are in the process for processing a lease for Connell Chevrolet dealership for parking their inventory in this area. Commissioner Garlich said the action to correct the zoning to correct an oversight and because of that, the applicant has the opportunity to ask for the fees to be waived because it wasn't his fall.

Mr. Robinson said he was looking at the existing zoning map and he recalled that the applicant filed the rezone (page 13 of the staff report), because they are expanding the area of the rezone.

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

MOTION:
R-06-02
Recommended to City Council

A motion was made by Commissioner Garlich, seconded by Commissioner Fisler and carried 4-0 (Perkins abstained) to recommend to City Council, approval of Rezone Petition R-06-02, to rezone four (4) acres of property at 1450 Adams Avenue, from CL (Commercial Limited) and I & R (Institutional and Recreational) to P (Parking), by adoption of Planning Commission Resolution PC-06-50.

Ms. Robbins advised that this item would be going forward to the City Council agenda of August 1, 2006.

Bill Perkins returned to the Chambers in his capacity as Chairperson.

AN ORDINANCE-FEMA REGULATIONS AND TECHNICAL TERMINOLOGY FOR CONTINUED ELIGIBILITY

An ordinance of the City Council of the City of Costa Mesa, California, amending Title 13 of the Costa Mesa Municipal Code 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.

Staff recommended a continuance of this item to the Planning Commission meeting of August 14, 2006.

MOTION:
FEMA Regulations/Terminology
Continued

A motion was made by Chair Perkins, seconded by Commissioner Garlich, and carried 5-0 to continue this item to the Planning Commission meeting of August 14, 2006.

APPEAL OF ZONING ADMINISTRATOR'S DENIAL OF ZONING APPLICATION ZA-06-18

Appeal of Zoning Administrator's denial of Zoning Application ZA-06-18 for Tim DeCinces, authorized agent for Mike Simonian, for a minor conditional use permit to allow an outdoor television behind The Beach Pit BBQ Restaurant, located at 1676 Tustin Avenue, in a C1 zone. Environmental determination: exempt.

The Chair abstained from this item due to a conflict of interest in that he is an investor in that property.

Associate Planner Wendy Shih reviewed the information in the staff report and made a presentation. She said staff was recommending that Planning Commission uphold the Zoning Administrator's denial, by adoption of the Planning Commission resolution.

In response to a question from Commissioner Garlich concerning any zoning code considerations that would preclude this outdoor area from being enclosed structurally at some future date, to create more of an indoor setting, Ms. Shih said that depending on the proposed enclosed area, there would be setback requirements to be considered and floor area ratio limitations that may preclude additional square footage from being added.

In response to Commissioner Fisler, Ms. Shih said no permit is required for the television set in the main dining room.

Tim DeCinces, 711 East 17th Street, Costa Mesa, owner and operator of

The Beach Pit BBQ at 1676 Tustin Avenue, said it is his understanding he could never enclose the rear patio due to the proximity to the Cat Clinic which is on a zero setback. He said when they were designing with the City they tried to enclose portions of that area, but because of code, they were unable to.

Mr. DeCinces said since they opened at this location 9 months ago, the restaurant has become a community place for families; they have donated time and money to the schools and community events. With that success and the amount of business they have had, he did not see how a soundless television would have any more impact than the patrons dining at those tables. The few events where there would actually be cheering for a sporting event, he believed there would be volume created from that, but he also believed that those events are the Super Bowl, Angels going to the World Series, or USC in the national title game, at which time every residence in the neighborhood is probably tuned to the television doing the same thing. He did not believe his restaurant would be a destination to come for that type of deal seeing as how they have one television without volume when there are plenty of sporting events in restaurants that are suited for that.

Mr. DeCinces said in the information received by the Commission and himself, there were several letters from the opposition implying that The Beach Pit BBQ intends to be a "Sports Bar", and as he mentioned since they opened, they have never been open past 9 p.m., nor do they intend to be; they have also designed a children's play area that exceeds their inside seating capacity.

He agreed to the conditions of approval on page 9 of the staff report and particularly condition of approval #1 which states that, "The outdoor television shall be on mute at all times and shall be turned off no later than 9 p.m. daily." He reiterated the reasons why he felt this would not have a negative affect on neighboring residents. Further, he said the television offers the restaurant the opportunity to continue to serve the community, and to continue to use that space for team parties and similar activities. He said the opposition has said that his business has been somehow granted special privileges due to Commissioner Perkins' involvement in the restaurant, or his father's previous career as a baseball player. He said the answer to that would be, by denying him the right to operate a television in a C1 zone, would be granting the opposition special privileges. He said the people who purchased residential property in that location were made aware they were next to a C1 zone.

Commissioner Egan stated to Mr. DeCinces that when he was before the Commission the last time, the Commission declined to approve an outdoor television set because the outdoor seating area immediately abutted single-family residences, and they were concerned about noise nuisance. She asked Mr. DeCinces if anything had changed since then, or if this outdoor television was any less of a nuisance? Mr. DeCinces stated that a canopy has been installed over the patio and was designed to keep in heat and sound. Commissioner Egan said it was staff's belief that the canopy would not substantially mitigate the sound.

PUBLIC COMMENT:

•Dale Ward, 436 Cambridge Circle, Costa Mesa, directly behind The Beach Pit BBQ, approximately 4 houses south, said that he has 4 children and they love to walk over there and have a great dinner and they love the family atmosphere. He said his kids are 6 and 3 and when playing in the children's play area, they're able to see their friends and make new friends. He said his son loves watching football and baseball. They watch it together, so it's nice that they can hang out together. He said Americas Cup Yogurt is very loud with kids from high school getting yogurt and socializing out front until they close at 10 p.m. He said the Little Knights bar also has a TV outside on their patio and he can hear the noise until 1 a.m. when they close. He hears that noise all the time and said he doubted very much that any noise from The Beach Pit BBQ is going to affect him in any way. •Beth Refakas, 320 Magnolia Street, Costa Mesa, said that while The Beach Pit BBQ may make contributions

and do things for the community, the two issues are completely separate. She said the noise generated from a sports event, regardless if the sound is on or off, it will impact the surrounding residents. She said residents are only 30 feet from the restaurant and a canopy is not a sound barrier and will not reduce the sound enough to allow the peace and quiet they are entitled to. Denial of this request will not prevent them from operating the restaurant; they already have an indoor television and this does not have a significant impact on their ability to conduct a business. She urged the Commission to uphold staff's recommendation of denial.

- Dorothy McNiff, 1672 Tustin Avenue, Costa Mesa, said she wanted to remind Mr. DeCinces that when they bought their home, there was a house in the location of his restaurant. She said it is not the City's responsibility to keep The Beach Pit BBQ competitive; the restaurant was and is proposed as a family restaurant, why then would it be competing with the Little Knight, or America's Cup Yogurt neither of which bears any resemblance to The Beach Pit BBQ. The Little Knight's television set fronts on 17th Street and is approximately 290 feet from the nearest residential property. She also made comparisons to other restaurants and most were surrounded by commercial and were within 200 feet of residential and not 30 feet. She asked where in Costa Mesa are there restaurants with outdoor seating and playgrounds located within 20 feet of residential property. She said the applicant continually references within "200" feet and these complaints are not just coming from one neighbor (noting the letters contained in the Planning Division staff report). The statement that they have had no problems with the City in the past 6 months is inaccurate; there have been numerous problems such as an (1) illegal banner; (2) a television installed in March and utilized in clear violation of the conditional use permit; (3) The Cat Hospital has had to build a block wall to secure their parking lot. The issue is noise and they would not object if the restaurant eating was enclosed and indoors. On Sunday, June 3rd at approximately 3 p.m., there was a gathering with cheering and shouting on the back patio and the canopy had virtually no affect on the noise. Neighbors left their own patios because of the noise. The noise from the front area (children's playground) of the restaurant is often unbearable; the children don't play quietly, they scream and shout and it's like an outdoor Chuck E. Cheese. There have been previous gatherings with the same cheering and clapping.
- Bill Perkins, Costa Mesa resident, stated that he was downstairs watching the meeting and listening to the comments that were made. He said Commissioner Egan asked a good question in the sense that they were told "no" one time, and the TV went out on the patio anyway which was a mistake. He said the Commission should focus on just the TV aspect of it. He said he could give the Commission a laundry list and the can play, "he said, she said" which has been done before in the meetings where it becomes something of a negative tone. As far as the TV is concerned with no volume back there, in an enclosed area, barring what we've already heard about the Angels going to the playoffs, or specific college football games and things like that, those can be controlled by management, and they have been controlled by management. He said he's in there plenty of times and they have been completely full and it's been pretty quiet for the most part. They do have kids that run around in the play area which is great because that's what you want and you want more of these places in Costa Mesa versus than less of them. He said he can guaranty that they are not going to do any harm to the community, in his opinion, more so than some of the places we've looked at before which are things that open past 9 p.m. that have more alcohol uses, and live entertainment uses. He urged the Commission to give The Beach Pit BBQ some consideration. He said, like Mr. DeCinces said, they hope that the consideration will be given and the residents will exclude him and the applicant's father and judge it on its merits.

Mr. DeCinces returned to the podium to address any issues. He stated that Mrs. McNiff said she understood and made it clear that she knew the property was zoned commercially before they purchased. He pointed out the restaurants Mrs. McNiff named, that have their parking lots abut-

ting residential properties as does every business up and down 17th Street abut residences. He felt the McNiff's, who have been unhappy since The Beach Pit BBQ moved in, just don't want any business there at all. He detailed a letter from Grant McNiff written in 2003 in an effort to keep out a storage company that wanted this location to run their business. He asked the Commission again to approve their request for a television set for the patio.

Commissioner Fisler said he did agree with Mrs. McNiff in that it was a little arrogant to put the television set on the patio after the Commission denied it. He asked who did it and why go ahead with it. Mr. DeCinces said it was an error in judgment on his part and he takes responsibility for it, due to his frustration and all the dealings that had come up. They had some team groups that wanted to show their video and they wouldn't book it if he didn't put the television out. He said he made a mistake. In conclusion, he listed other uses that would be permitted on this site.

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

MOTION:
Appeal ZA-06-18
Upheld Zoning Administrator's Denial

A motion was made by Commissioner Egan, seconded by Commissioner Garlich and carried 3-1 (Hall voted no and Perkins abstained) to uphold the Zoning Administrator's denial, by adoption of Planning Commission Resolution PC-06-51, based on public testimony, analysis and information in the Planning Division staff report, and findings contained in exhibit "A."

During discussion on the motion, Commissioner Egan explained that the only issue before the Commission is the permission for the television set to be approved for outdoor use on the patio—not whether this is a good restaurant or a bad restaurant, or whether it's good or bad for the community; the food is good and she can attest to that, but she does not live next door to it and other people do. Nothing has changed. There are still people living next door at the same distance; there is still the potential for excessive noise, i.e., people will cheer, especially when their team does something that they approve of and it's just an additional noise issue there for the neighbors. She said the Commission should be consistent with the decision made previously.

Commissioner Garlich says he feels much the same way. He never thought this was a "sports bar" or any kind of bar. He was pleased by many of the letters he saw that talked about the community-oriented support that The Beach Pit BBQ has given to the schools, youth sports organizations, etc., and he thinks that's great. Like Commissioner Egan, he has been there many times; it's a well-run business. He said the use of the land has been pretty well maxed out and innovation has been used to get the most business use out of the land—enclosing it is out of the question. He said it is and was from the beginning, only about the crowd noise. Even the TV noise was never an issue for him. The only thing that's changed, since the first hearing on this, he did not remember hearing as much about team events with team videos of their sports activities and there seems to be a lot of that, and he would expect those kids to yell; that's why they have those videos. Trying to manage them to not yell is not a realistic expectation. Once again, it just comes down to the noise of the patrons associated with the use of the TV. He did not believe the canvas cover makes any difference at all. In conclusion, he said when you have commercial next to residential, you must pay particular attention to the operational characteristics of the use and that's probably a part of the reason the storage unit was denied in the first place. When you've got this close proximity of residential to commercial, it takes a focused effort on what the operational characteristics are to make it as compatible as it can be for all the parties. He felt everything about this operation is exemplary; he liked the way it accommodates the kids; he likes the food; service; and the appearance. The crowd noise is always going to be there and with team videos, maybe even more than he thought the first time around.

Commissioner Fisler said for him, this is a tough decision because we have a television set that's going to have no sound on it; so how would that impact anyone? As Commissioner Garlich said, there are patrons who will be reacting to what's on that TV with or without sound. The issue is noise whether from the TV or the patrons. He did not remember whether the first time around, the television was going to have the volume muted. He said he also frequents this restaurant and he loves the food, service, and atmosphere and that it's a positive addition to our City. He said it's hard to vote against something you really like, but it really is a patron noise issue.

Acting Chair Hall called for the question as shown in the above motion.

Acting Chair Hall explained the appeal process.

Bill Perkins returned to the Chambers in his capacity as Chairperson.

PLANNING APPLICATION
PA-06-17

Rahat, LLC/CJC Design, Inc.

For CJC Design, Inc., authorized agent for Rahat LLC, for a conditional use permit to convert an existing auto service building to a car wash tunnel and food mart with beer and wine sales, and to make a finding of public convenience or necessity for alcohol sales, with a variance from rear building setback requirements (53 feet required; 24 feet proposed) for a 550 square-foot, second-floor, office addition to an ARCO service station, located at 3003 Newport Boulevard in a C1 zone. Environmental determination: exempt.

Withdrawn.

Staff noted the applicant requested a withdrawal of this item from the calendar until such time as all design issues from the Transportation Services Division have been resolved. No further action was required.

PLANNING APPLICATION
PA-06-26 AND PARCEL MAP
PM-06-141

Adams

The Chair opened the public hearing for consideration of Planning Application PA-06-26 and Parcel Map PM-06-141 for Alan Adams, for a design review to construct a 5,058 square-foot, two-story, two-unit, common interest development, located at 232 Ogle Street in an R2-HD 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.

Alan Adams, 1230 Summerset Lane, Newport Beach, agreed to the conditions of approval. He said the project was approved previously and they want to convert it to condominiums for homeownership.

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

MOTION:
PA-06-26/PM-06-141
Approved

A motion was made by Commissioner Fisler, seconded by Vice Chair Hall and carried 5-0 to approve Planning Application PA-06-26 and Parcel Map PM-06-141, by adoption of Planning Commission Resolution PC-06-52, 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-06-29

Evans Trust/Zehnder

The Chair opened the public hearing for consideration of Planning Application PA-06-29 for Peter Zehnder, authorized agent for Evans Trust, for a residential common interest development conversion of an existing 12-unit apartment project to condominiums, located at 2379 and 2381 Elden Avenue (units A-F) 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.

Peter Zehnder, representing the property owner, Evans Trust, 521 Redlands Avenue, Newport Beach, stated that he has read the conditions of approval and has some questions. Condition of approval #1, paragraph #2, discussed the replacement of all fences throughout the property with a block wall. He asked permission to install a decorative redwood fence as a suitable alternative instead, and agreed to use appropriate matching

materials as approved by staff.

Mr. Zehnder also discussed condition of approval #11 and the feasibility of submitting the final parcel map for recordation prior to completion of site improvements. He explained that it takes a great deal of time to record the map because the process is so time consuming, and they would like to have everything completed at the same time in order to commence with the sale of the condominiums.

He felt there were a number of ways to satisfy these conditions and requirements. He said typically, in other jurisdictions there is a "certificate of occupancy"; sometimes utilities are held, etc. Mr. Zehnder agreed to all the conditions of approval with the exception of #1.2 and #11 which he hoped to resolve with Planning Commission.

In response to the Chair, Ms. Shih stated that with regard to condition of approval #1.2 (replacing the fence), the main intent is to have consistent and durable material surround the property. She said staff would not be opposed to a 6-foot high wood fence as long as the material has been approved by Planning staff and that it is maintained (as contained in the code requirements for all multi-family residential properties). The Chair felt a block wall would be easier to maintain than a wooden fence. Ms. Shih stated that it is a preference by staff, but it is not a code requirement and depending upon how it will be constructed, staff would not be opposed to a wooden fence.

With regard to conditional of approval #11, Ms. Shih explained that this is a standard condition of approval for all condo conversion projects and the intent of this condition is so that staff can make sure that every single condition of approval, including upgrades to the property, interior landscaping, as well as the building requirements, are all met before the City sign off. Further, she said the map is the last hold the City has to ensure the upgrades are made. She understands the applicant refers to the DRE (Dept. of Real Estate) report, the City does not have jurisdiction to overlook that.

Mr. Zehnder said that he understands the City's intent and they want to make sure the conditions have been met. He said the DRE has equal and perhaps more conditions that have to be met before they will allow the developer to sell a unit.

Commissioner Egan asked who owns the 2 large trucks that are stored at the back of the property. Mr. Zehnder said a motor home is being stored by the owner and is the only truck he knows about.

There was further discussion between the Commission and staff regarding potential problems if the map was to be finalized before the conditions were satisfied, and alternative solutions to the issue.

Commissioner Garlich said wooden fences are quickly and affordably being replaced with vinyl fences. He asked if that was an option. Ms. Shih agreed that could be an alternative. He also commented that after all this discussion about maps and bonding, there may be a solution, but he is not willing to try and invent one on the dais this evening.

Mike Evans, 1720 Whittier Avenue, Costa Mesa, representing the Evans Family Trust, owners of the property, confirmed that the RV on the back of the property is his and it will be moved soon. The truck that was there is owned by one of the tenants who has a fish company and takes the truck out every morning at 7:30 a.m., works all day and parks it back there at 4:00 or 4:30 p.m.

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

In response to a question from the Chair, Mr. Evans said the property was purchased in 1979, has several long-term tenants, and they are the sellers and not the ones doing the conversion. He and his mother (who is 75 years of age) were approached by Mr. Zehnder. In response to a statement from the Chair regarding 12 "displaced tenants", Mr. Evans stated that all rents were going to be raised this past January, closer to

current rates and many would have been displaced at that time. However, having been approached by Mr. Zehnder, this gives all tenants another 6 months. In response to another question from the Chair regarding school-age children, Mr. Evans stated they 2 school-age children that are part-time occupants. The Chair asked staff if that would change anything in the staff report. Ms. Shih responded that the analysis and recommendation still remain the same with a condition of approval for the offers and paying the registration fee.

Mr. Zehnder explained that with respect to tenant displacement, if someone wanted to demolish these projects and build new ones, those issues would not come up and would not be discussed. He believed that with condominium conversions it does allow the introduction of new homeownership to the City at rates far below what would be charged if all 12 units were demolished and 12 new units were built. In addition, it allows those people to take advantage of the City's "First Time Homebuyer Program." In conclusion, he felt this was a better alternative than what could be developed on the property.

The Chair inquired about the tenant rents. He said it was his understanding that the cost to buy a condo, and those who have been paying \$870/month in rent, would not be able to afford one of those condos.

MOTION:
PA-06-29
Motion was not called

A motion was made by Vice Chair Hall, seconded by Commissioner Garlich, to approve by adoption of Planning Commission resolution, subject to conditions, based on information and analysis contained in the Planning Division staff report, and findings contained in exhibit "A", subject to conditions in exhibit "B", with the following modifications: #1.2. Replace all fences throughout the property. A 6-foot high decorative block wall, or suitable alternative as approved by staff shall be provided on the project's perimeter property line (minimum 10-foot setback from property line required). #11. The applicant shall show proof of compliance with all applicable conditions of approval and code requirements prior to ~~recording of the final map~~ release of utilities to new owners. Motion was not called. (See substitute motion below).

During discussion on the motion, Commissioner Egan expressed that she was convinced this project needs to stay under a single management because the shortage of parking is so severe that there would be a lot of conflicts.

The Chair agreed with Commissioner Egan because he likes condition of approval #11 and it makes it more difficult for the developer and he could not see a situation where someone has a mortgage and is not able to move in because the utilities have not been released. It is also under parked and lastly, this project doesn't feel right.

Vice Chair Hall explained to the Chair that it's going to be under parked whether or not it is converted and that does not change. It can be left as rental property and eliminate the opportunity for people to become homeowners and visa versa. He listed the exterior and interior improvements expected to be completed on this property (pages 13 and 14, Planning Division staff report). He said he could find no reason to deny people the opportunity to become homeowners.

The Chair commented that this is absolutely a money-maker and it is not the Commission's job to see to that. This is several million dollars and we're looking at a couple of hundred thousand dollars in improvements which arguably could be done, or should be done anyway. Now they get sold for about half a million dollars, they should have adequate parking.

Commissioner Fisler said this project needs variances for density, open space and parking spaces. He said if one unit was gone, these things could probably be met. He said Mr. Evans said they wanted to bring the rents up to current standards.

SUBSTITUTE MOTION:
PA-06-29

A substitute motion was made by Chair Perkins, seconded by Commissioner Fisler and carried 3-2 (Hall and Garlich voted no), to deny Plan-

Denied

ning Application PA-06-29 by adoption of Planning Commission Resolution PC-06-53, based on 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

Replace as follows:

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(10) in that the project is extremely under parked, and requires a single ownership to address parking issues, exceeds density allowance, and lacks sufficient open space.
- B. Delete.
- C. Change to "B" and remains the same.
- D. Change to "C" and remains the same.

During discussion on the motion, Vice Chair Hall expressed his disappointment in the vote and detailed some of staff's findings and reiterated the interior and exterior improvements.

The Chair explained the appeal process.

PLANNING APPLICATION
PA-06-32

D'Alessio Investments/Mitchell

The Chair opened the public hearing for consideration on Planning Application PA-06-32 for Mark Mitchell, authorized agent for D'Alessio Investments, for a minor conditional use permit to legalize two, 8-foot x 60-foot storage containers; to modify conditions of approval for a previously approved conditional use permit (PA-05-31) that permitted Jeep Dealership employees at 2524 Harbor Boulevard to park at 440 Fair Drive in a C1 zone. Environmental determination: exempt.

Withdrawn

Staff explained that this item was withdrawn by request of the authorized agent, D'Alessio Investments. No further action was necessary.

REPORT OF THE DEVELOPMENT SVS. DEPARTMENT:

None.

REPORT OF THE CITY ATTORNEY'S OFFICE:

None.

ADJOURNMENT:

There being no further business, Chairman Perkins adjourned the meeting at 8:53 p.m. to the meeting of Monday, July 10, 2006.

Submitted by:

R. MICHAEL ROBINSON, SECRETARY
COSTA MESA PLANNING COMMISSION