

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
October 8, 2007**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., October 8, 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. Kimberly Brandt
Deputy City Attorney Christian Bettenhausen
City Engineer Ernesto Munoz
Acting Principal Planner Claire Flynn
Senior Planner Mel Lee
Associate Planner Wendy Shih
Associate Engineer Raja Sethuraman
Assistant Planner Rebecca Robbins

III. **MINUTES: Minutes for the meeting of September 24, 2007**

The Chair approved the minutes as distributed.

IV. **PUBLIC COMMENTS:**

There were no public comments.

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

Vice Chair Fisler noted that he read the EIR and the responses to Robin Lefler's questions and concerns relating to the Wyndham Boutique Hotel and said he thought the responses were satisfactory.

The Chair commented on Planning Commission Secretary Kimberly Brandt's recent presentation of the high rise projects to the Mesa North Community Association.

VI. **PUBLIC HEARINGS:**

1. **From the meeting of September 24, 2007, Planning Application PA-07-28, for Diana Biedermann, authorized agent for Teachers Retirement System for the State of Illinois, for an amendment to a previously approved Master Plan to deviate from shared parking requirements for a beauty college (James Albert School of Cosmetology) and to amend the Disposition and Development/Owner Participation Agreement (DD/OPA) for the Costa Mesa Courtyards Center to allow the proposed use, located at 1835 Newport Boulevard, Suite 200, in a PDC zone. Environmental determination: exempt.**

Senior Planner Mel Lee noted that this item is being withdrawn from the Planning Commission calendar. He said no action is needed on this item.

The Chair echoed Mr. Lee's comments.

2. [From the meeting of September 24, 2007, Request for review of Zoning Application ZA-07-27, for Ron Chavarria, authorized agent for William Huscroft, for a minor conditional use permit to expand an existing automobile towing service impound yard \(approved under ZA-00-55\) to include a 1,920 sq. ft. building and additional vehicle storage area, located at 1640 Babcock Street and 1643 Placentia Avenue, in an MG zone. Environmental determination: exempt.](#)

Associate Planner Wendy Shih reviewed the information in the staff report and noted the letter submitted by the applicant's attorney dated September 24, 2007, specifically regarding Condition Nos. 4 and 8. Ms. Shih responded to a question from the Commission regarding drainage.

Coralee Newman, Government Solutions, gave an oral presentation and a Power Point presentation.

Ms. Newman asked that Condition No. 2 be deleted, proposing alternative language; and asked that language be added to Condition No. 9. She also requested that Condition Nos. 11 and 12 be deleted and an additional condition be added.

John Vach of Southside Towing responded to questions from the Commission concerning tow truck carriers and backing up vehicles on Placentia Avenue.

Ms. Shih responded to Vice Chair Fisler's question concerning Condition No. 12 regarding the parking or storing of vehicles off-site which impacts required parking at off-site locations.

Ms. Shih responded to Vice Chair Fisler's question about a conditional use permit (CUP) and she said it is required for any vehicle sales, including auctions onsite.

Deputy City Attorney Christian Bettenhausen replied to the Chair's question regarding CUP requirements.

William Devine, Allen Matkins, stated various State Vehicle Code sections and noted the point of pickup of the vehicle and complying with the 10-mile radius requirement. He also commented on staging and asked to see the Code on this.

The Chair, Commissioner Righeimer, and Commissioner Egan discussed having a separate CUP for onsite vehicle auctions and adding language to Condition No. 9.

Roger McGregor, Costa Mesa, spoke in favor of the project.

Jim Liberty, Costa Mesa, also supported the project.

Wayne Miller, Costa Mesa, spoke in opposition to the project and had concerns of where the public would park onsite. He noted that there is not enough parking for employees and the lot is not large enough. He asked that this project be denied.

The Chair closed the public comments.

Mr. Vach returned to the podium and responded to Mr. Miller's comments, stating that Mr. Miller is a competitor. Mr. Vach mentioned that Southside Towing uses 2-car carriers; the primary gate is open 24-hours; and the trucks back into the facility.

Commissioner Righeimer said this is a land-use issue and discussed with Mr. Vach the number of vehicles towed to the site each day and his concern about after-hour parking on Babcock Street.

There was a discussion between Commissioner Righeimer, Ms. Shih, and Ms. Newman regarding the 24-hour parking, parking on Placentia Avenue, and public access. Ms. Shih noted that the previous CUP was silent on the 24-hour operation.

Associate Engineer Raja Sethuraman explained to the Chair and Commissioner Righeimer that Transportation Services does not want routine backing onto the property, and although not conditioned, they are expected to provide an adequate vehicle turnaround area on the property.

Mr. Vach explained to Commissioner Clark that 90% of their tows turn around and exit off of Placentia Avenue and agreed to backing in from Placentia Avenue and exiting forward.

Mr. Sethuraman explained to the Chair and Commissioner Egan that adequate turning radius of the site usually is handled through plan check and said trucks backing into the site from Placentia Avenue is preferred over allowing them to exit onto Babcock Street.

The Chair and Commissioner Clark discussed having the 18-wheelers drive straight in from Placentia Avenue and exit onto Babcock Street.

The Chair suggested that each condition of approval be addressed one at a time and moved on individually. Commissioner Clark said he would make amendments to the conditions.

MOTION: Change Condition No. 2 to read, “All customer, employee, and tow truck access shall be from Placentia Avenue only. The gate along Babcock Street shall remain closed at all times and be used for emergency vehicle access only and for the exiting of empty big rig tow trucks from the site that cannot otherwise exit the access gate on Placentia Avenue because of turning radius issues.”
Moved by Commissioner Sam Clark, seconded by Vice Chair James Fisler.

During discussion on the motion, the Chair, Vice Chair Fisler, and Commissioner Righeimer discussed emergency vehicle access and Mr. Vach explained that a medium duty tow truck can tow a motor home of 34-43 feet in length and an empty big rig tow truck is approximately 26 feet long.

Ms. Newman explained to Commissioner Righeimer that she would prefer that the big rigs come in on Placentia Avenue and exit onto Babcock Street and discussed the subject of CUPS.

Commissioners Clark suggested that the words, "empty big rig tow trucks" be inserted in the motion and the second agreed.

Mr. Liberty noted to Commissioner Egan that a tow truck itself is too big (long) to turn around in the lot and it is safer to pull out of Babcock Street.

The motion carried by the following roll call vote:

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

Noes: Commissioner James Righeimer

Absent: None.

The Chair stated that Condition No. 4 was satisfactory and then a discussion ensued concerning the security gate.

MOTION: Change Condition No. 5 to read, "The security gate along Placentia Avenue shall be located in a manner to allow access for customers to the parking lot on a 24-hour basis."

Moved by Commissioner Sam Clark, seconded by Commissioner James Righeimer.

During discussion on the motion, Commissioner Egan suggested that the wording be changed and Ms. Brandt provided the wording, which was agreed to by both the maker of the motion and the second.

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.

The Chair noted that Condition No. 8 was satisfactory. Mr. Vach agreed to Condition No. 8.

The Chair asked Commissioner Egan if she had the wording for Condition No. 9.

**MOTION: Change Condition No. 9 to read, “No motor vehicle sales or auctions of any type may occur at this property unless a conditional use permit is granted for that purpose.”
Moved by Commissioner Eleanor Egan, seconded by Commissioner James Righeimer.**

Mr. Vach stated his disagreement with Condition No. 9 and Ms. Newman said they have the right to have lien sales per the State Vehicle Code.

Deputy City Attorney Christian Bettenhausen stated that he does not see this requirement in the State Vehicle Code.

Mr. Devine asked for a continuance of the business and said this is an ongoing practice. They need to qualify for the Police Department contract.

Commissioner Righeimer said that this is a higher intensity use.

Commissioner Righeimer and Mr. Devine discussed CUPs and Mr. Bettenhausen said a CUP is required, prior to starting a motor vehicle sales business, and it is in the City's Zoning Code.

Another discussion ensued about ZA-00-55, CUPs, and enforcement and Ms. Brandt said to allow the current business to continue with auctions, but an application for a CUP should be turned in right away. Mr. Devine agreed.

The Chair mentioned to permit sales until they apply for a CUP and Ms. Brandt said a 30-day time frame is reasonable for filing.

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.

MOTION: Change Condition No. 11 by striking the wording after the word, "motion."

Moved by Commissioner Sam Clark, seconded by Chair Donn Hall.

Vice Chair Fidler and Commissioner Egan discussed exiting Babcock Street and Commissioner Egan suggested allowing the entering and exiting in a forward motion.

Commissioner Righeimer opposed changing Condition No. 11 and agreed with Commissioner Egan. Commissioner Clark withdrew his motion.

MOTION: Leave Condition No. 11 as is.

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

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.

MOTION: Change Condition No. 12 to read, "Towed vehicles and tow trucks, when not in use, shall not be parked or stored on a public street or any other property in violation of the Costa Mesa Municipal Code (CMMC)."

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

Commissioner Egan explained why she made her motion and Ms. Brandt agreed.

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.

Mr. Devine returned to the podium and wanted to confirm the modification to Condition No. 9, that lien sales can continue until filing of the CUP application. The Chair said that is correct.

MOTION: A requirement that the applicant file an application for a conditional use permit within 30 days for onsite motor vehicle sales or auctions. Moved by Commissioner Eleanor Egan, 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.

MOTION: Uphold the approval of Zoning Application ZA-07-27, by adoption of Planning Commission Resolution PC-07-71, based on the findings contained in Exhibit "A" and subject to the conditions in Exhibit "B". Moved by Commissioner Sam Clark, seconded by Commissioner Eleanor Egan.

During discussion on the motion, Commissioner Righeimer stated that he will vote for approval, but said he will make sure that impacts from property owners are addressed, especially on the Westside.

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.

The Chair called a brief recess at 8:23 p.m. and resumed the meeting at 8:35 p.m.

3. [Extension of time for Planning Application PA-05-57, for Smajil and Alaudina Bostandzic; Amir and Alma Mustedanagic; and Alisa, Senad, and Azra Veizovic; for a conversion of a 3-unit apartment project into a common interest development with a variance from private open space requirements for one of the units, \(10 ft. minimum dimension required; 7-9 ft. dimension provided\), located at 1773, 1775, and 1775 1/2 Anaheim Avenue, in an R2-HD zone. Environmental determination: exempt.](#)

Senior Planner Mel Lee reviewed the information in the staff report and noted the additional conditions of approval, Nos. 12-40. He responded to a question from the Commission regarding refileing.

Alma Mustedanagic, applicant, agreed to all the conditions, including the additional conditions.

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

**MOTION: Deny extension of time for Planning Application PA-05-57, by adoption of Planning Commission Resolution PC-07-72.
Moved by Commissioner James Righeimer,
seconded by Commissioner Eleanor Egan.**

During discussion on the motion, Vice Chair Fisler noted his past and present opposition to this project, specifically that it is too dense and underparked. Commissioner Clark and Commissioner Egan opposed the project as well.

Commissioner Righeimer continued to explain why he would oppose this project.

The Chair discussed his difference of opinion.

The motion carried by the following roll call vote:

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

Noes: Chair Donn Hall

Absent: None.

The Chair stated the appeal process.

4. [Planning Application PA-07-15 and Tentative Tract Map T-17198, for Al Mozayeni of ABCO Realty and Investment Inc., authorized agent for Beachside Properties, LLC, for a master plan consisting of the following: \(1\) 26-unit, three-story attached, residential common-interest development; \(2\) deviations from open space requirement \(40% required; 37% proposed\); driveway parkway landscaping \(10 ft. required, 0 ft. proposed\); front setback for covered, accessory entry gate \(20 ft. required, 8 ft. proposed\); 2nd story rear setback requirement \(20 ft. required; 15 ft. proposed\) with a subdivision for common-interest development purposes for the property located at 2013-2029 Anaheim Avenue, in the Mesa West Residential Ownership Urban Plan area and R3 zone. Environmental Determination: Exempt.](#)

Assistant Planner Rebecca Robbins reviewed the information in the staff report and responded to questions from the Commission regarding the floor plan and the trellis location.

David Musser, architect, agreed to all the conditions of approval except for Condition No. 6. He asked that the finished grade level along the northerly portion of the property adjacent to Anaheim Avenue be allowed to be a maximum of 36 inches.

City Engineer Ernesto Munoz stated the request can be accommodated and that the proposed grading will comply with the grading ordinance.

Mr. Musser discussed with Commissioner Righeimer and Commissioner Clark about the block wall and its location along the outside perimeter of the property.

Shirlee McDaniels, Costa Mesa, mentioned that the applicant should meet all the requirements and

expressed concerns about increased traffic and the lack of sidewalk on the street.

The Chair, Commissioner Clark, City Engineer Ernesto Munoz, and Ms. Robbins discussed the sidewalk issue and that sidewalk will be constructed adjacent to the project, but not on the entire street.

Commissioner Clark asked Mr. Munoz to speak with Ms. McDaniels about when the sidewalk will be placed along the entire length of Anaheim Avenue.

**MOTION: Approve Planning Application PA-07-15 and Vesting Tentative Tract Map VT-17198, by adoption of Planning Commission Resolution PC-07-73, 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.**

During discussion on the motion, Commissioner Egan noted to the Vice Chair the correct Tract Map number.

Commissioner Righeimer stated his support for this project and Commissioner Egan also gave her support.

In reply to the Chair's question about modifying the wording of Condition No. 6, Mr. Munoz said that no additional wording was needed.

Planning Commission Secretary Kimberly Brandt mentioned that no modifications related to the 36" grade limit were required. She said the documentation in the record will be sufficient.

Ms. Brandt explained to Commissioner Egan that for aesthetic reasons, we do not allow exposed roof drain down spouts.

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. [Planning Application PA-07-18 and Vesting Tentative Tract Map VT-17207, for Patrick Tooley of Wilson Meany Sullivan, agent for J.K. Sakioka Company/Stockbridge/South Coast/AMS Craig. The Final Master Plan for Symphony Towers consists of the following: \(1\) 238-unit high-rise residential Tower I, 26 stories/maximum 306 feet above mean sea level, six-level parking structure with 515 parking stalls; \(2\) 246-unit high-rise residential Tower II, 16 stories/maximum 206 feet above mean sea level, and six-level parking structure with 535 parking stalls; \(3\) 6,000 sq. ft. of ancillary retail uses in Tower II; with a subdivision for common- interest development purposes. The Symphony Towers project is located at 585/595 Anton Boulevard in a PDC zone. Environmental Determination: Final EIR No. 1052.](#)

Acting Principal Planner Claire Flynn reviewed the information in the staff report and gave a detailed presentation highlighting components of this project.

She noted the supplemental memorandum dated October 5, 2007, including the proposed changes to the conditions of approval and the City Engineer's letter dated October 5, 2007. She made a clarification for the record on the code requirements related to the drainage fee. She mentioned a minor revision to Condition No. 16 of the City Engineer's letter clarifying that the drainage impact analysis/fees only applies to the Symphony Towers site.

Ms. Flynn responded to questions from the Commission regarding Condition No. 16 of the City Engineer's letter.

Patrick Tooley, Wilson Meany Sullivan, thanked staff and agreed to all the conditions, including those mentioned in the memorandum dated October 5, 2007.

Glen Rescalvo, Project Architect, Handel Architects, LLP, gave a presentation of the project architecture.

Commissioner Clark complimented Mr. Rescalvo on the design of the project.

In response to a question from the Chair if there would be a food service on the upper residential deck, Mr. Tooley replied no, but said an outdoor barbeque will be provided.

George Sakioka, J.K. Sakioka Company, made a few comments on the project and said he is happy to be here and to be producing a product like this.

Mr. Tooley and Mr. Rescalvo both thanked Planning staff for their responsiveness and cooperativeness on this project and said they enjoyed doing business with the City.

The Chair closed the public hearing.

MOTION: Approve Final Master Plan PA-07-18 and Vesting Tentative Tract Map VT-17207, by adoption of Planning Commission Resolution PC-07-74, based on the evidence in the record and findings contained in Exhibit "A", subject to conditions in Exhibit "B", and subject to the mitigation measures in Exhibit "C", inclusive of revised conditions of approval referenced in a supplemental memorandum to the Planning Commission dated October 5, 2007 and of the following additional revision to Condition No. 16 of the City Engineer's letter dated October 5, 2007: "The developer shall fulfill the requirements of the City of Costa Mesa's Drainage Ordinance No. 06-19 for the 4.84-acre Symphony Tower site as shown on the Master Drainage Plan annexed as Exhibit "A" in the supplemental memorandum."

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

During the making of the motion, Vice Chair Fisler and Ms. Flynn discussed the wording of the motion and Mr. Tooley noted that the record should include the clarifications to the code requirements.

During discussion on the motion, Commissioner Egan thanked the Sakioka family for farming on this property and then deciding to develop this project.

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.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT TO THE MEETING OF MONDAY, OCTOBER 22, 2007.

There being no further business, Chairman Hall adjourned the meeting at 9:40 p.m. to the Planning Commission meeting of Monday, October 22, 2007.

Submitted by: _____
KIMBERLY BRANDT, SECRETARY
COSTA MESA PLANNING COMMISSION