

**REGULAR MEETING OF THE CITY OF  
COSTA MESA PLANNING COMMISSION  
August 11, 2008**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:30 p.m., August 11, 2008, 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 Righeimer 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 James Righeimer

Absent: Commissioner Eleanor Egan

Also Present: Planning Commission Secy. Kimberly Brandt  
Assistant City Attorney Harold Potter  
City Engineer Ernesto Munoz  
Senior Planner Mel Lee  
Associate Planner Wendy Shih

**III. MINUTES: Minutes for the meeting of July 28, 2008**

The Chair approved the minutes as distributed.

**IV. PUBLIC COMMENTS:**

There were no public comments.

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

Commissioner Clark gave an update relating to the Shark Club, noting his phone meetings with members of the community and meeting with the owners of the establishment. He said positive changes have been made and the Shark Club will continue to be monitored in the coming months.

Vice Chair Fisler mentioned that Sharon Day, a Costa Mesa High School graduate and NCAA high jumper, will be participating in the Summer Olympics and wished her good luck.

**VI. PUBLIC HEARINGS:**

1. **Appeal of Zoning Administrator's denial of ZA-08-21, for Christopher and Amelia Thompson, to amend Zoning Application ZA-08-01, which permitted the construction of a detached 2-story structure containing a 3-car garage and a second-story accessory apartment. The request is to modify a condition of approval that prohibited the filling and/or raising of the existing bluff area at the back of the**

**property, located at 1030 Linden Place, in an R1 zone.  
Environmental determination: exempt.**

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

Chris Thompson, property owner and appellant, agreed to all the conditions of approval. He stated that the slope presents a drainage problem, and putting in a keystone retaining wall would eliminate the problem.

The Chair, Commissioner Righeimer, and Mr. Thompson discussed the types of keystone block walls, stacking options, rows of planters, batter, and setback.

Vice Chair Fislser, Commissioner Righeimer, and Mr. Thompson discussed neighboring properties to the east and west; drainage to the school yard (Victoria Elementary School) and the street; the two rear lot lines; and building a three-car garage.

Mike Berry, Westbluff Village resident, Costa Mesa, expressed concern with the school's raised lot; rainfall; and the west side wall showing signs of movement. He suggested a runoff control (swale) to the park for this property.

In response to the Chair's question regarding drainage for this property, City Engineer Ernesto Munoz replied that, if approved, the drainage would run toward Linden Place; there is hardly any drainage to the slope; retaining walls are not designed to retain water; and water must drain to Linden Place.

Mr. Berry continued to express his concerns regarding rainfall, weight on the retaining wall, and mudslides, and replied to the Chair that installation of a swale would satisfy him.

Commissioner Clark and Mr. Munoz discussed the water runoff and a potential swale. Mr. Munoz stated the requirement for a hydrology study, if approved, and repeated that the City ordinance requires that water must drain to Linden Place.

Judi Berry, Westbluff Village resident, Costa Mesa, provided pictures on the overhead screen and expressed her concerns with drainage, landslides, and the crack in the retaining wall of a neighboring property.

Mr. Thompson commented that the water will drain to Linden Place and pointed out the property to the west causes the most concern, not his property.

Mr. Munoz replied to the Chair that, if approved, he would look into the project, specifically relating to drainage.

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

**MOTION: Reverse the Zoning Administrator's decision, by adoption of Planning Commission Resolution PC-08-64,**

based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions of approval in Exhibit "B", with the deletion of Condition Nos. 5, 6, and 8, the modification of Condition Nos. 4 and 15, and the addition of Condition No. 22, for Zoning Application ZA-08-01, adopted as follows:

**CONDITIONS**

4. The second floor deck shall be no closer than 16 feet to the rear property line.

15. The subject property's ultimate finished grade level may only be filled/raised to the minimum level necessary to provide proper drainage. The drainage plan shall be approved by the City's Building Official prior to issuance of any grading or building permits. Additionally, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.

22. The keystone retaining wall including the north, east, and west elevations shall incorporate two 6-inch wide planter areas to accommodate appropriate landscape materials (e.g. vines) to soften the wall's appearance from offsite.

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

During discussion on the motion, Planning Commission Secretary Kimberly Brandt noted that Condition No. 15 as revised is sufficient and no additional condition is needed regarding drainage.

Commissioner Righeimer supported the project and mentioned the problem is with the next door neighbor's property.

Commissioner Clark also mentioned that the majority of the concerns relate to the property at 1034 Linden Place, not the subject property at 1030 Linden Place.

The motion carried by the following roll call vote:

Ayes: Chair Donn Hall, Vice Chair James Fiser,  
Commissioner Sam Clark, and Commissioner James Righeimer

Noes: None.

Absent: Commissioner Eleanor Egan

2. **Planning Application PA-08-10, for Maurice Lavoie, to modify Condition of Approval No. 1 requiring removal of the roof of the parking structure, to allow the roof to remain, located at 947 West 18th Street, in an MG zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, and there were no questions of staff.

Ronald Talmo, representing the property owner, Maurice Lavoie, asked for approval to allow the retention of the roof for

legalization of the parking structure.

Mr. Lavoie explained to Commissioner Righeimer that removing the roof and pulling out the electrical work would cost approximately \$120,000. He also said he has a Mercedes Benz repair business and the tin around the carport stops the homeless from using the vehicles that have been brought in for repair. In addition, he explained to Vice Chair Fisler that 12 vehicles can fit in the parking structure.

Mr. Lavoie explained that their competitors use concertina wire, a watchdog, or they have a guard stay/sleep on the property for security.

Commissioner Righeimer discussed the illegally built building and Ms. Shih pointed out that a variance had been required to legalize it. Commissioner Righeimer expressed his displeasure with this building being called a parking structure.

Mr. Talmo agreed to Condition No. 8 that the detached structure at the rear of the property shall be used for parking only.

Planning Commission Secretary Kimberly Brandt pointed out to Vice Chair Fisler that when the Planning Commission granted the zoning variance for the building, the next step is for the property owner to obtain building permits. Also Ms. Shih said the conditional use permit and all its conditions run with the land.

Commissioner Righeimer and Assistant City Attorney Harold Potter discussed how an observation from Code Enforcement or from the public could enforce the parking condition. Another discussion ensued between the Chair and Commissioner Righeimer concerning the roof.

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

**MOTION: No action taken.**

**Moved by Vice Chair James Fisler, seconded by Chair Donn Hall.**

Commissioner Clark agreed with Commissioner Righeimer stating that he sees this as an illegal building.

The Chair and Commissioner Clark had a discussion concerning the roof.

Vice Chair Fisler emphasized that we need an element of trust, and this building is conditioned just for parking.

The Chair and Commissioner Clark continued their discussion concerning the roof.

Commissioner Righeimer continued to explain that he was not giving his support for the motion and made some comments, followed by another discussion between the Chair and Commissioner Righeimer.

The motion failed by the following roll call vote:

Ayes: Chair Donn Hall, and Vice Chair James Fisler

Noes: Commissioner Sam Clark, and Commissioner James Righeimer

Absent: Commissioner Eleanor Egan

The Chair stated that the motion failed to carry.

3. **Planning Application PA-08-20, for Maura B. O'Conner, authorized agent for McCray Dale Partnership, L.P., for a conditional use permit for a bus dealership including sales, outdoor storage, servicing of motor coaches, and warehousing the wholesaling of related parts and supplies, and revocation of PA-03-54 and ZA-03-40, which previously permitted administrative offices, auto detailing, and auto storage of new vehicles, located at 1485 Dale Way, in an MG zone. Environmental determination: exempt.**

Senior Planner Mel Lee reviewed the information in the staff report, noting the modifications as requested by ABC Bus Companies' legal counsel to Finding "B" and Condition Nos. 4, 5, 6, 8, 9, 11, 12, and 21. Mr. Lee responded to questions from the Commission regarding the storage of vehicles, operational measures, and changing the wording of Condition Nos. 8 and 9 to a more reasonable amount of time.

Tom DeMatteo, representing ABC Bus Companies, gave a presentation explaining that the business is family owned; they sell, lease, and finance buses; and the major focus is chartering buses. He said they are eliminating school and transit buses from the business; their traffic counts are low; and they are very excited about the property.

Anne McCray Pauley of McCray Properties, LLC noted they fully support this project and commented that they have worked with the Transportation Services Division and this project will be a big improvement to the community. She emphasized there will be a long-term lease; revised plans have been made; and the parking will be sufficient for the 40 employees and customer parking. Ms. Pauley highlighted some of the conditions of approval and said she was excited about ABC Bus Companies leasing the property. She replied to the Chair that they would work with Planning and Parks Divisions regarding the conditions of approval.

Maura O'Connor, legal counsel for ABC Bus Companies, said she generally agreed with the report and discussed vehicle storage and the use of the project.

Mr. DeMatteo explained that ABC Bus Companies is an authorized service provider and no storage of buses to be repaired should take longer than 3-4 months. The Chair suggested there should be a reasonable period of time for storage of the vehicles when ordering parts that are not immediately available, and Commissioner Clark suggested not exceeding 120 days.

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

**MOTION:** Approve Planning Application PA-08-20 and revoke Planning Application PA-03-54 and Zoning Application ZA-03-40, by adoption of Planning Commission Resolution PC-08-65, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to Finding "B" and Condition Nos. 4, 5, 6, 8, 9, 11, 12, and 21, adopted as follows:

**FINDINGS**

**B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed development and use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood. Specifically, the use complies with the intent of the Zoning Code, as conditioned, to ensure compatibility with the surrounding neighborhood. Granting the requested conditional use permit will not allow a use, density or intensity which is not in accordance with the Light Industry general plan designation for the property.**

**CONDITIONS OF APPROVAL**

- 4. The use shall be limited to a bus dealership primarily consisting of sales and leasing of new and used buses, as well as service and repair of buses and recreational vehicles, occasional sales of traded-in recreational vehicles, and sales and storage of parts and related supplies. No sale or leasing of any vehicles other than buses and traded-in recreational vehicles shall be permitted. Any change in the operational characteristics including, but not limited to, hours of operation or other types of motor vehicle sales, shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval.**
- 5. Washing of buses shall only occur in the bus washing area. Wipe down of inventory may occur outside of the bus washing area.**
- 6. The bus washing area as shown on the submitted site plan shall be screened from view of the street by landscaping, subject to approval by the Planning Division.**
- 8. Storage of wrecked, dismantled, and/or inoperative vehicles outside of the building is prohibited, other than buses and recreational vehicles pending service, not to exceed 120 days.**
- 9. Private party storage of any type of motor vehicle and/or recreational vehicles outside of the building is prohibited, other than buses and recreational vehicles**

pending service, not to exceed 120 days.

**11. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The business owner shall institute whatever reasonable security and operational measures are necessary to comply with this requirement.**

**12. Test drives shall not be conducted on any surrounding residential streets; however, notwithstanding the foregoing, customers taking test drives may use Dale Way and/or Village Way to access Harbor Boulevard.**

**21. Maintain the public right-of-way in a "wet down" condition during construction to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.**

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

Commissioner Righeimer expressed his support for the project.

Vice Chair Fisler commented that he was happy for ABC Bus Companies and the property owner, and this project will provide sales tax revenue for the City.

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Commissioner Eleanor Egan

- 4. Planning Application PA-08-21, for Janelle P. Williams, authorized agent for Ali-Reza D. Vaziri, for a conditional use permit to allow the sale of beer and wine (Type 20 ABC license for off-site beer and wine), at the Moscow Deli, and to make the required Public Convenience or Necessity finding, located at 3015 Harbor Boulevard, in a C1 zone. Environmental determination: exempt.**

Associate Planner Wendy Shih reviewed the information in the staff report, including the applicant's request (supplemental memorandum) that Condition No. 1 be deleted which requires the purchase and transfer of an existing Alcoholic Beverage Control (ABC) license from a location within the City prior to alcohol sales.

Janelle Williams, applicant, agreed to all the conditions of approval with the deletion of Condition No. 1. She gave a presentation and noted the business (Moscow Deli) can better serve their customer base with the sale of alcoholic beverages for offsite consumption.

Ms. Williams replied to Commissioner Clark that the Moscow Deli has been in business for 12 years and it is the owners' first and only business.

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

**MOTION: Approve Planning Application PA-08-21, by adoption of Planning Commission Resolution PC-08-66, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", and makes a finding for public convenience or necessity per Business and Professions Code Section 23817.7 with respect to the property described above, with the removal of Condition No. 1 from Exhibit "B". Moved by Commissioner James Righeimer, seconded by Commissioner Sam Clark.**

The motion carried by the following roll call vote:

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

Noes: None.

Absent: Commissioner Eleanor Egan

**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 25, 2008.**

There being no further business, Chairman Hall adjourned the meeting at 8:43 p.m. to the Planning Commission meeting of Monday, August 25, 2008.

Submitted by:

  
KIMBERLY BRANDT, SECRETARY  
COSTA MESA PLANNING COMMISSION