

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

**September 12, 2016**

*These meeting minutes represent an "action minute" format with a concise summary of the meeting. A video of the meeting may be viewed on the City's website at [www.costamesaca.gov](http://www.costamesaca.gov) or purchased on DVD upon request.*

Vice Chair Mathews led in the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Robert Dickson  
Vice-Chair Jeff Mathews  
Commissioner Colin McCarthy  
Commissioner Tim Sesler  
Commissioner Stephan Andranian

Staff: Gary Armstrong, Economic Development & Development Services Director/  
Deputy CEO  
Yolanda Summerhill, Deputy City Attorney  
Bart Mejia, City Engineer  
Mel Lee, Senior Planner  
Ryan Loomis, Associate Planner  
Julie Colgan, Recording Secretary

**PUBLIC COMMENTS**

Beth Refakes, Costa Mesa resident, announced items that the Costa Mesa Military Affairs Team will be collecting for the adopted 1/5 Marine's Ball and trunk or treat event at Camp Pendleton.

A Costa Mesa resident announced a meeting that will take place on September 22<sup>nd</sup> at the Costa Mesa Community Center about public safety and sober living homes.

A Costa Mesa resident spoke about the Banning Ranch decision, registering to vote, the Solid Landings settlement, The Commissary closing down, and suggested having a moratorium on massage parlors.

The Chair closed the public comments.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Chair Dickson thanked the community for all that was done to recognize 9/11.

**CONSENT CALENDAR**

The Chair asked if any member of the public wanted to pull any items on the Consent Calendar. No one responded.

2. Minutes for the meeting of August 22, 2016
3. Minutes for the meeting of August 8, 2016

**MOTION: Approve minutes for the meeting of August 22, 2016, and minutes for the meeting of August 8, 2016.**

**Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

1. Minutes for the special meeting of August 29, 2016

**MOTION: Approve minutes for the special meeting of August 29, 2016.**

**Moved by Commissioner McCarthy, seconded by Chair Dickson.**

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler

Noes: None

Absent: None

Abstained: Andranian

## **PUBLIC HEARINGS**

1. **Application No.:** PA-16-52  
**Applicant:** William Fancher  
**Site Address:** 2860 Harbor Boulevard  
**Zone:** C1  
**Project Planner:** Ryan Loomis  
**Environmental Determination:**

The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

**Description:** Planning Application PA-16-52 requests a conditional use permit for a physical fitness facility (UFC Gym) at the former Mitsubishi automotive dealership. Proposed hours of operation are 24 hours a day, seven days a week. The application also includes a request for minor conditional use permits to deviate from parking requirements, based on 920 SF of building area not used as part of the gym (157 parking spaces required; 148 parking spaces proposed), as well as to allow compact parking spaces (15 spaces permitted and proposed).

Ryan Loomis, Associate Planner, presented the staff report.

No ex-parte communications to report.

Commissioner McCarthy asked for clarification on why the application is before the Planning Commission. Mr. Loomis explained it is because the physical fitness facility requires a conditional use permit per the Zoning Code, and the compact parking spaces requires a minor conditional use permit.

Commissioner Andranian asked if the City approved other projects where space was discounted in the parking calculation. Gary Armstrong, Economic Development & Development Services Director/Deputy CEO, responded in some restaurant projects where extra space was used for storage or office use.

Commissioner Sesler asked for clarification with whether the City has guidelines or rules regarding compact spaces. Mr. Loomis responded that the Zoning Code states only 10 percent of the spaces can be compact.

## **PUBLIC COMMENTS**

Bill Fancher, applicant, explained what the extra space will be used for at the site; and agrees with the conditions of approval except for Condition No. 4A and No. 5.

Rich Russell, Costa Mesa resident, spoke in support of the application.

A Costa Mesa resident stated concern with the potential of noise being generated from the music.

A Costa Mesa resident stated concerns with parking, noise and making exemptions to the conditions of approval.

Beth Refakes, Costa Mesa resident, stated concerns with not revoking the existing conditional use permit for a car dealership; that Condition No. 5 should not be removed; and with the potential of noise being generated from the music.

A Costa Mesa resident suggested keeping the conditions of approval in the staff report and to not deviate from it.

A Costa Mesa resident stated concerns with the parking.

Mr. Fancher responded to public comments.

Commissioner Sesler asked for clarification on the size of the opening in the roof above the partially enclosed weight room. Mr. Fancher responded that there is a hole in the middle of the roof from the previous car service repair space and explained what measures would be taken to keep the weight noise down.

The Chair closed the public hearing.

Commissioner McCarthy stated supporting the project; likes the repurposing and reusing of the space; and how it would be a great use for the area.

The Commissioners discussed the live entertainment permit condition, having the music at a certain decibel level, and parking.

Commissioner Sesler and Vice Chair Mathews suggested removing the compact parking spaces.

Commissioner Andranian stated concerns with the parking calculation not using the abandoned square footage and suggested having the applicant back for a review period for any potential noise concerns.

Chair Dickson suggested having a decibel limit for Condition No. 5 and liked how the applicant is repurposing the site.

**MOTION: Based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained within Exhibit B that the Planning Commission hereby approves Planning Application PA-16-52 with the following modifications:**

**Condition of Approval No. 4D: "All amplified music and sound systems within the partially enclosed weight room shall be reduced to lower decibel levels between the hours of 11PM to 6AM, and shall not be audible outside of the area under the control of the applicant".**

**Add Condition of Approval 4E to read:** “A six-month review period by Planning Commission is required if noise complaints are received by the City regarding amplified music or any other noise issues as a result of operation of the gym”.

**Condition of Approval No. 5 to read:** “This Conditional Use Permit does not include the allowance for live entertainment. Live entertainment may only be permitted subject to approval by the Development Services Director, as well as issuance of appropriate permits. Contact Planning and Code Enforcement for application information”.

**Add Condition of Approval 12 to read:** “The 920 square feet of area labeled “Not to be Used”, as described in the application and not considered for the parking calculation, shall not be used and shall remain vacant”.

Moved by Chair Dickson.

**RESOLUTION PC-16-45 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-16-52 LOCATED AT 2860 HARBOR BOULEVARD**

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

2. **Application No.:** PA-16-55  
**Applicant:** Pacific Planning Group, Inc.  
**Site Address:** 719 West 19<sup>th</sup> Street  
**Zone:** C1  
**Project Planner:** Mel Lee  
**Environmental Determination:**

The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

**Description:**

Conditional Use permit to allow live entertainment including, but not limited to, music, dancing, and open microphones, for an entertainment venue (Holiday, formerly Lion's Den and Maison) within 200 feet of residentially-zoned properties, and on-site valet parking. A current public entertainment permit allows disc jockey entertainment (DJ) and dancing. Proposed hours of operation are from 7:00 a.m. to 2:00 a.m., seven days a week; proposed hours for live entertainment are 11:00 a.m. to 2:00 a.m., seven days a week.

Three ex-parte communications to report: Commissioner McCarthy and Chair Dickson spoke with the applicant by phone and Vice Chair Mathews spoke with the applicant by email.

Mel Lee, Senior Planner, presented the staff report.

Chair Dickson asked if the storage container was still on the property. Mr. Lee responded no, it was removed eight months ago. Chair Dickson also asked if continuous noise monitoring would occur. Mr. Lee responded the business had been equipped with a noise monitoring system that lets them know if it gets too loud.

Commissioner McCarthy asked if there were any outstanding issues since last time the item went before the Planning Commission. Mr. Lee responded no currently. The only two issues to the specific use were a code enforcement complaint in late July and a Police Department complaint in late August.

## **PUBLIC COMMENTS**

Karen Martin, applicant, gave a detailed presentation on the conditional use permit the application is requesting. She stated being in agreement to all conditions and noted that Roland Barrera is not involved in running the Holiday in any capacity.

Mike Holtz, consultant from Landrum and Brown (Acoustic Engineer), explained that the Holiday meets the City's noise ordinance levels at 45 DBA standard.

Mario Vissan, Laguna Beach resident, stated while he visited the club, he only heard noise from the outside when the door was opened.

A Costa Mesa resident stated concerns with the noise coming from the music.

Rich Cantone, Costa Mesa resident, stated being in support of the application.

Steven Chan, Costa Mesa resident (Mr. Chan indicated that he was speaking on behalf of some of his neighbors), stated concerns with the alcohol beverage license, the noise coming from the club, and was in opposition to the application.

Larry Smith, owner of the building, stated the new tenants are the best ones they have had in over 44 years.

A Costa Mesa resident stated being in opposition to the application.

Michael Cho, Attorney for Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP, explained that the Holiday is in complete compliance with the Alcohol Beverage Control License standards as approved.

Kim Killian, Costa Mesa resident, stated being in support of the application.

Nicholas Stamus, Costa Mesa resident, stated being in support of the application.

Nora, Irvine resident, stated being in support of the application.

Ms. Martin responded to the public comments.

Commissioner Sesler asked for clarification on the sound evaluation that was offered and how many residents responded. Marty Kish, owner, responded that no one has taken the offer yet and it would involve setting up a decibel reader in the home and measuring the sound.

The Chair closed the public hearing.

The Commissioners and City Attorney discussed Code Requirement No. 5.

Commissioner McCarthy stated being in support of the application, appreciated the applicant's efforts with decreasing the noise, and it being an improvement to the area.

Chair Dickson suggested that all the neighbors accept the owners offer of installing a noise meter; stated the need for a successful business at the location; and is in support of the application.

**MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained within Exhibit B that the Planning Commission hereby approves Planning Application PA-16-55 and find that**

the project is exempt from the provisions of the California Environmental Quality Act under section 15301 for existing facilities with the following modifications:

Condition of Approval No. 3A to read: "Within one month of the approval of the CUP, the applicant shall remit a noise study by an acoustical engineer which identifies the noise levels at the rear property line abutting the residential properties. Noise monitoring shall occur for a four-hour period from 11:00 a.m. to 2:00 a.m. for a minimum of 4 different types of events (live bands, DJ, open microphone, and dancing). Study shall provide conclusions as to whether or not the operations of the bar/lounge comply with the City's Noise Ordinance with regard to the adjacent residences. Study shall make recommendations that shall be implemented by the applicant to reduce noise levels (as applicable) to ensure compliance with the Noise Ordinance. The Development Services Director may impose additional conditions as necessary to mitigate noise issues" and;

The deletion of Code Requirement No. 5.

Moved by Chair Dickson, second by Vice Chair Mathews.

**RESOLUTION PC-16-46 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-55 FOR LIVE ENTERTAINMENT AT HOLIDAY (FORMERLY LION'S DEN AND MAISON) AT 719 WEST 19<sup>TH</sup> STREET**

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

The Chair explained the appeal process.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – none.
2. Development Services Report – none.

**CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – none.

**ADJOURNMENT: TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, SEPTEMBER 26, 2016.**

Submitted by:



GARY ARMSTRONG, ACTING SECRETARY  
JAY TREVINO, ACTING SECRETARY  
COSTA MESA PLANNING COMMISSION