

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

April 10, 2017

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 or purchased on DVD upon request.

The Chair called the meeting to order (00:00:08).

Vice-Chair de Arakal led the Pledge of Allegiance.

ROLL CALL

Present: Chair Stephan Andranian
Vice-Chair Byron de Arakal
Commissioner Jeffrey Harlan
Commissioner Isabell Kerins
Commissioner Carla Navarro Woods

Staff: Jay Trevino, Development Services Department Consultant
Peggy Schneble, Interim Assistant Development Services Director
Sheri Vander Dussen, Interim Assistant Director/ Community Improvement
Yolanda Summerhill, Deputy City Attorney
Tarquin Preziosi, Assistant City Attorney
Bart Mejia, City Engineer
Raja Sethuraman, Public Services Director
Willa Bouwens-Killeen, Zoning Administrator
Mino Ashabi, Principal Planner
Justin Arios, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS: None

PUBLIC COMMENTS:

A speaker spoke about a Measure X Stakeholders Meeting that occurred at City Hall last week.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Kerins asked some questions about an email she received. Peggy Schneble, Interim Assistant Development Services Director, asked Commissioner Kerins to send a copy of the email to Jay Trevino, Development Services Department Consultant, and he will follow up with her.

Vice-Chair de Arakal stated he would like to have a discussion with staff about the removal of Maple Avenue from the Mesa West Residential Ownership Urban Plan.

Chair Andranian congratulated Commissioner Kerins for being selected for the Traffic Impact Fee Ad Hoc Committee.

CONSENT CALENDAR (00:07:25)

The Chair asked if anyone wanted to pull the Consent Calendar item. No one responded.

1. MINUTES FOR THE MEETING OF MARCH 27, 2017

MOTION: Move approval of the Consent Calendar.

Moved by Vice-Chair de Arakal, seconded by Chair Andranian.

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: None

PUBLIC HEARINGS (00:08:33)

1. CODE AMENDMENT CO-17-03: AMENDING ARTICLE 4 OF CHAPTER XII OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE AS ADOPTED BY SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATING TO THE OPEN SPACE AND PUBLIC PARK IMPACT FEES, AND AMENDING THE UNCODIFIED PORTION OF SECTION 5 OF MEASURE Z, ORDINANCE NO. 2016-07, RELATED TO THE CREATION, COMPOSITION AND NAME OF THE OPEN SPACE AND RECREATION ADVISORY COMMITTEE

Description: The proposed ordinance for Planning Commission consideration follows the adoption of Section 5 of Measure Z at the November 8, 2016 election. Measure Z establishes an open space and public park impact fee and revises the name and composition of the Open Space & Recreation Advisory Committee.

Environmental Determination: The ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (General Rule).

Sheri Vander Dussen, Interim Assistant Director/ Community Improvement, presented the staff report.

Commissioners, staff, and Tarquin Preziosi, Assistant City Attorney, discussed the Youth Sports, Open Space & Recreation Advisory Committee; what Measure Z established; the open space and public park impact fee; the role the Parks and Recreation Commission would play in the process; if the city is legally obligated to incorporate the provisions from Measure Z into the adoption of Measure Y; how the youth sports representatives were picked; what part of the ordinance the Planning Commissioners can recommend for amendments; and if the new committee has sunset provisions.

PUBLIC COMMENTS

Cynthia McDonald, Costa Mesa resident, stated concerns with the Youth Sports, Open Space & Recreation Advisory Committee and with Measure Z.

Rick Huffman, Costa Mesa resident, stated concerns with the composition of the Youth Sports, Open Space & Recreation Advisory Committee and with Measure Z.

A speaker stated concerns with Measure Z.

A speaker stated concerns with the Youth Sports, Open Space & Recreation Advisory Committee.

The Chair closed the public comments.

Vice-Chair de Arakal recommended to not include the Youth Sports, Open Space & Recreation Advisory Committee in the ordinance.

Commissioner Kerins and Mr. Preziosi discussed what Code Amendment CO-17-03 is approving.

Commissioner Harlan stated he agreed with Vice-Chair de Arakal's recommendation to not include the committee in the ordinance.

Commissioners and Mr. Preziosi discussed if there is an option to leave the committee out of the ordinance or to recommend that the committee only advise the Parks and Recreation Commission.

Commissioner Navarro Woods agreed with Vice-Chair de Arakal's recommendation to not include the committee in the ordinance.

MOTION: Move that the Planning Commission recommends to the City Council approval of Code Amendment CO-17-03 and that the City Council give it first reading and find that the project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15061(b)(3) with the following modification: Removal of Section 3, the uncodified provisions of Section 5 of Ordinance 2016-07 (Measure Z).

Moved by Vice-Chair de Arakal, seconded by Commissioner Harlan.

Mr. Preziosi clarified with Vice-Chair de Arakal that his modification included the removal of all of Section 3 in his motion to the ordinance.

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: None

2. CODE AMENDMENT CO-16-04: AMENDMENT TO TITLE 13, CHAPTER V – DEVELOPMENT STANDARDS, ARTICLE 1 -- RESIDENTIAL DISTRICTS AND TABLE 13-32; AND CHAPTER VIII -- SIGNS, ARTICLE 2 -- DEFINITIONS AND TABLE 13-115 OF THE COSTA MESA MUNICIPAL CODE

Description: Code Amendment CO-16-04 is a Zoning Code amendment related to accessory structures in the R1 – Single Family Residential zone, as well as banners under the Sign Code. Proposed changes include:

- An increase in building height that would allow a decrease in setbacks for certain accessory structures; and
- To include a definition and related standards for *non-commercial banners* in addition to those banners used for advertising purposes.

Environmental Determination: The ordinance is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15061(b)(3) (General Rule).

Willa Bouwens-Killeen, Zoning Administrator, presented the staff report.

Vice-Chair de Arakal, Yolanda Summerhill, Deputy City Attorney, and staff discussed if first

amendment rights would be violated because of time limits being placed on political or religious non-commercial banners in the proposed code amendment.

PUBLIC COMMENTS

A speaker spoke in opposition to Code Amendment CO-16-04.

A speaker spoke in opposition to Code Amendment CO-16-04.

Camilla Carter, Costa Mesa resident, discussed Code Amendment CO-16-04.

The Chair closed the public hearing.

Commissioners and staff discussed Code Amendment CO-16-04.

Vice-Chair de Arakal stated concerns with Section 13-33, Section 4 of the Ordinance, requiring time limits on religious or political non-commercial banners.

Ms. Summerhill explained that outside counsel was retained to review the language and Ms. Summerhill is satisfied with the language used in the proposed ordinance.

Motion: Move that the Planning Commission recommends that City Council approve Code Amendment CO-16-04 and give it first reading and find that the project is categorically exempt from the provisions of the California Environmental Quality Act per Section 15061(b)(3) with the following modification:

Section 13-33 for Accessory building and structures (a) to read: "Accessory buildings or structures over 8 feet in height shall be reviewed by the Planning Division for compatibility with the main structure".

Moved by Commissioner Kerins, seconded by Vice-Chair de Arakal.

Chair Andranian proposed an amendment to the motion to include in Section 13-33. - Accessory buildings and structures (a), changing 6 feet in height to 8 feet and keep the rest as is.

Both Commissioner Kerins and Vice-Chair de Arakal agreed to the amendment.

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: None

Abstained: None

3. PA-16-62 AND TENTATIVE PARCEL MAP 2016-185: PLANNING APPLICATION AND TENTATIVE PARCEL MAP FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AT 174 COSTA MESA STREET

Project Description: The proposed project involves the following:

- 1. Planning Application (Design Review) PA-16-62** for the construction of two, two-story detached single-family residences. The existing single-story front residence will be remodeled into a two-story, 3 bed / 3 bath approximately 1,600 square foot residence; and the detached garage in the rear will be demolished for a new, 3 bed / 2 bath approximately 2,100 square foot residence. Both residences will provide attached two-car garages. The project satisfies all Small Lot Subdivision development standards and Residential Design Guidelines.
- 2. Tentative Parcel Map 2016-185** for the subdivision of an 8,381 square-foot lot into two separate parcels consistent with the Small Lot Subdivision Ordinance.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 (Class 3), New Construction or Conversion of Small Structures.

No ex-parte communications to report.

Justin Arios, Assistant Planner, presented the staff report.

PUBLIC COMMENTS

Anuj Gupta, applicant, stated he has read the conditions of approval and agrees to them.

A speaker stated concerns with the house previously being a sober living home; asked who the property owner is; and what is their intention with the property.

A speaker asked what the minimum size a lot has to be in order to split it according to the Small Lot Subdivision Ordinance.

Jeff Butcher, Costa Mesa resident, spoke in support of the project.

Mr. Gupta responded to public comments.

Chair Andranian asked if the units would be sold or rented. Mr. Gupta responded their goal is to sell them.

Commissioner Kerins commended the project's floor plans.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission adopts a resolution to approve Planning Application PA-16-62 and Tentative Parcel Map 2016-185, subject to conditions of approval, and find that the project is categorically exempt from the provisions of the California Environmental Quality Act Section 15303.

Moved by Commissioner Harlan, seconded by Commissioner Kerins.

Vice-Chair de Arakal commended the project's landscape plans and asked what the minimum required lot size is when subdividing a lot into two according to the Small Lot Subdivision Ordinance. Mr. Arios responded a 7,260 square-foot lot for R2-MD.

Commissioner Kerins commended the project's density being lower than what was required in a small lot subdivision.

RESOLUTION PC-17-12 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-62 FOR A 2-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AND TENTATIVE PARCEL MAP 2016-185 FOR PROPERTY AT 174 COSTA MESA STREET IN THE R2-MD ZONE

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods
Noes: None
Absent: None
Abstained: None

The Chair explained the appeal process.

4. REVIEW OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FINDING FOR A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FOR 99 CENTS ONLY STORES, LLC, AT 2180 HARBOR BOULEVARD

Description: On February 23, 2017, the Zoning Administrator made the PCN Finding for the 99 Cents Only Stores, LLC. Four conditions of approval recommended by the Police Department and agreed to by the store operator were included as part of the finding. On March 2, 2017, the PCN Finding was called up for review by the Planning Commission by Mayor Foley.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301, for Existing Facilities.

No ex-parte communications to report.

Justin Arios, Assistant Planner, presented the staff report.

Commissioners and staff discussed if having five locations with Type 20 ABC licenses would impact staff or the police department's review of the conditions of approval; the location's crime statistics over the last twelve months; and the undue concentration analysis from staff.

PUBLIC COMMENTS

A speaker stated the reason the item was pulled; police activity at the property; and spoke in opposition of the PCN finding made by the Zoning Administrator.

A speaker spoke in opposition of the PCN finding made by the Zoning Administrator.

A speaker spoke in opposition of the PCN finding made by the Zoning Administrator and asked to deny it.

Barrie Fischer, Costa Mesa resident, spoke in support of the 2180 Harbor Boulevard 99 Cents Only Stores.

The Chair closed the public hearing.

Commissioner Harlan asked if the city's PCN finding is determinative. Ms. Ashabi responded that ABC will not issue a license without the city's support.

Vice-Chair de Arakal stated concern with the overconcentration of liquor sales in the area.

**MOTION: Move that the Planning Commission overturn the Zoning Administrator's decision making a finding of public convenience or necessity to allow the transfer of a Type 20 off-sale beer and wine ABC license to 99 Cents Only Stores.
Moved by Vice-Chair de Arakal, seconded by Commissioner Kerins.**

Chair Andranian stated he will not be supporting the motion.

RESOLUTION PC-17-13 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING THE ZONING ADMINISTRATOR'S DECISION THUS DENYING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FOR THE TRANSFER OF A TYPE 20 ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE FOR 99 CENTS ONLY STORES LOCATED AT 2180 HARBOR BOULEVARD

The motion carried by the following roll call vote:
Ayes: de Arakal, Harlan, Kerins, Navarro Woods
Noes: Andranian
Absent: None
Abstained: None

The Chair explained the appeal process.

5. PA-16-60: FOR A FAST FOOD RESTAURANT WITH DRIVE THROUGH SERVICE AND WALK-UP SERVICE AND NO INTERIOR SEATING (CHICK FIL-A) AT 1750 NEWPORT BOULEVARD

Project Description: The proposed project is to construct a new 1,999 square-foot fast food restaurant building (Chick Fil-A) with a double drive through and walk-up pedestrian service and no interior seating at the former location of Grant Boys at 1750 Newport Boulevard. The project includes a variance from landscape setback requirements along Newport Boulevard (20 feet required, 10 feet proposed) and Rochester Avenue (15 feet required, 7.5 feet proposed).

Environmental Determination: Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.

No ex-parte communications to report.

Minoo Ashabi, Principal Planner, presented the staff report.

Chair Andranian and staff discussed the requested variances.

PUBLIC COMMENTS

Jennifer Daw, West Region Development Manager for Chick Fil-A, stated the company is excited to add a restaurant to the city that will provide job opportunities.

Ed Hale, entitlement consultant, spoke about the traffic issue; traffic impact analysis; parking; variances requested; and addressed staff concerns with the project.

Randy Garell, property owner, spoke in support of the application.

Steven Flanders, Costa Mesa resident, spoke in opposition to the application.

Annalynn Rehkowitz, Costa Mesa resident, spoke in support of the application.

A speaker spoke in support of the application.

A speaker spoke in opposition to the application.

Tom Johnson, President of Chamber of Commerce, spoke in support of the application.

Jim Deal, Costa Mesa resident, spoke in support of the application.

Tom Flen, Costa Mesa resident, spoke in support of the application.

Duane Turney, Costa Mesa resident, spoke in support of the application.

Alan Greeley, Costa Mesa resident, spoke in support of the application.

Cathy Bibee, Costa Mesa resident, spoke in support of the application.

Richard Bibee, Costa Mesa resident, spoke in support of the application.

Scott Beckham, Costa Mesa resident, spoke in support of the application.

Greg Forestick, Costa Mesa resident, spoke in support of the application.

Greg Cardness, Costa Mesa resident, spoke in support of the application.

Alexa Grant Garell, property owner, spoke in support of the application.

Dave Snowden, Newport Beach resident, spoke in support of the application.

Jeff Wright, Costa Mesa resident, spoke in support of the application.

A speaker spoke in opposition to the application.

Beth Refakus, Costa Mesa resident, spoke in opposition to the application.

A speaker spoke in opposition to the application.

A speaker spoke in support of the application.

Mr. Hale responded to public comments.

Commissioners, Thomas Wheat with TJW Engineering, and Mr. Hale discussed the traffic study data; parking; why the Escondido location was chosen as a reference site; Newport Boulevard congestion; how vehicle parking would occur in the southern perimeter; outdoor seating; and how fast service would occur.

The Chair closed the public hearing.

Vice-Chair de Arakal and Raja Sethuraman, Public Services Director, discussed the traffic issues on Newport Boulevard and the difficulty of vehicles exiting the property onto Newport Boulevard especially during the summer and peak hours.

MOTION: Move that the Planning Commission adopt a resolution to deny Planning Application PA-16-60 based on findings included in Exhibit A and pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project.

Moved by Commissioner Harlan, seconded by Vice-Chair de Arakal with discussion.

The Commissioners explained why they chose to deny the project.

RESOLUTION PC-17-14 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-16-60 TO CONSTRUCT A NEW DRIVE THROUGH FAST FOOD RESTAURANT (CHICK FIL-A) AT 1750 NEWPORT BOULEVARD

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins, Navarro Woods

Noes: None

Absent: None
Abstained: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Bart Mejia, City Engineer, gave an update on the rehabilitation of Bear Street.
2. Development Services Report – Ms. Schneble reported that the April 24th Planning Commission meeting will be canceled and the next meeting will be on May 8th.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney –none.

ADJOURNMENT (04:07:01) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, MAY 8, 2017.

Submitted by:



JAY TREVINO, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION