

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

May 22, 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 (00:00:07).

Commissioner Kerins 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
Yolanda Summerhill, Deputy City Attorney
Bart Mejia, City Engineer
Mino Ashabi, Principal Planner
Mel Lee, Senior Planner
Ryan Loomis, Associate Planner
Justin Arios, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS: None

PUBLIC COMMENTS:

A speaker stated concerns with the City's Small Lot Ordinance.

Kim Hendricks, Costa Mesa resident, stated concerns with the City's Small Lot Ordinance and asked to recommend to the City Council to get rid of the City's Small Lot Ordinance and the City's overlay zones.

A speaker stated concerns with the City's Small Lot Ordinance and with allowing the front of houses to face an alley. She also spoke on an article in the Orange County Register about the City's sober living home issue.

Jay Humphrey, Costa Mesa resident, spoke on an incident that happened at Fairview Park and presented a slideshow on 125 East Baker Street.

A speaker asked Commissioner Navarro Woods to resign.

Beth Refakus, Costa Mesa resident, spoke about the City's Small Lot Ordinance and the Residential Design Guidelines.

Anna Verska, Costa Mesa resident, stated concern with the City's Small Lot Ordinance and overlays on Harbor Boulevard and Newport Boulevard.

A speaker stated concerns with increased density and traffic; spot zoning; and the overlay zones.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Vice-Chair de Arakal asked when the upcoming review of the City's Small Lot Ordinance would occur. Jay Trevino, Development Services Department Consultant, responded that City Council wants to have a study session to address the City's Small Lot Ordinance. Vice-Chair de Arakal also spoke about affordable housing in the City and asked for the Capital Improvement Program and General Plan Conformity reports to be a separate business item next time so it can be discussed.

Chair Andranian spoke on the Orange County Register's article about the City's sober living home issue.

CONSENT CALENDAR (00:32:55)

The Chair asked if anyone wanted to pull the Consent Calendar items.

Kim Hendricks asked to pull Consent Calendar Item No. 2.

1. MINUTES FOR THE MEETING OF MAY 8, 2017

**MOTION: Move approval of the Consent Calendar Item No. 1.
Moved by Vice-Chair de Arakal, seconded by Commissioner Kerins.**

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstained: None

2. GENERAL PLAN CONFORMITY RESOLUTION FOR THE CITY OF COSTA MESA ONE YEAR 2017-2018 AND SEVEN-YEAR 2017-2024 CAPITAL IMPROVEMENT PROGRAMS

Kim Hendricks, Costa Mesa resident, addressed some items that should be removed from the Fairview Park 7-year Capital Improvement Program because of Measure AA passing.

Chair Andranian stated that comments will be forwarding to the City Council for consideration.

Commissioner Kerins stated the \$8.25-million-dollar budget for Fairview Park (CA-ORA- fill removal and habitat restoration) was excessive.

Motion: Move that the Planning Commission find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Sections 15301 and 15304; and adopt a resolution finding the City's proposed Capital Improvement Programs are in conformance with the 2015-2035 General Plan; and include the following public comments as part of the motion:

- Nothing in conflict with requirements of Measure AA should be included in the 7-year CIP
- \$8.25-million-dollar excessive budget for the fill removal and restoration project

- **\$100,000 budget for Costa Mesa United should be reallocated to Fairview Park Alliance**

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

RESOLUTION PC-17-18 - A RESOLUTION OF THE PLANNING COMMISSION OF CITY OF COSTA MESA FINDING THAT THE PROPOSED ONE YEAR 2017-2018 AND SEVEN-YEAR 2017-2024 CAPITAL IMPROVEMENT PROGRAMS ARE IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN

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 (00:41:02)

1. CODE AMENDMENT CO-17-04: TO AMEND SECTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT), RELATING TO APPLICATION SUBMITTAL REQUIREMENTS AND NOTICING FOR PUBLIC HEARINGS

Description: The proposed ordinance will modify the submittal requirements for all discretionary applications. In addition, the amendment will expand the notice provided for public hearings held by the Planning Commission and City Council.

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

REVISED Recommended Action:

Staff recommends that the Planning Commission open and continue the public hearing to the meeting of June 12, 2017.

Peggy Schneble, Interim Assistant Development Services Director, clarified that the reasoning for the continuance was that Sheri Vander Dussen was not able to attend tonight's meeting.

The Chair opened the Public Hearing and stated if anyone in the audience cannot make the June 12th meeting they can make a public comment now.

PUBLIC COMMENTS

Jay Humphrey, Costa Mesa resident, stated concern with the original report not being available so he cannot make a comment now.

A speaker stated concern with the original staff report not being available online and only the continuance report being available.

The Chair closed the public hearing.

Chair Andranian and Yolanda Summerhill, Deputy City Attorney, discussed the noticing for the item.

Ms. Schneble clarified that since the item is being recommended for continuance by staff, the original staff report is not available online so no confusion would occur.

Mr. Trevino clarified that the item was a follow up from the direction that staff received from the Planning Commission and City Council to bring back an ordinance to change the noticing requirement and the report will not change except for the dates. He asked for the original staff report to be available tomorrow for any member of the public.

**MOTION: The Planning Commission continue Public Hearing Item CO-17-04 to the meeting of June 12, 2017 and that staff re-notice the item for the public.
Moved by Chair Andranian, seconded by Vice-Chair de Arakal.**

The motion carried by the following roll call vote:

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

2. PLANNING APPLICATION PA-17-07: FOR A CONDITIONAL USE PERMIT FOR THE ISSUANCE OF A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE AND A PUBLIC CONVENIENCE OR NECESSITY (PCN) DETERMINATION FOR AN EXISTING SPECIALTY RETAIL SHOP (WINDSOR HOMEBREW SUPPLY COMPANY) LOCATED AT 743 BAKER STREET, SUITE D AND E

Project Description: Windsor Homebrew Supply Company, an existing specialty retail shop, that currently sells equipment and ingredients to make beer and wine at home, is proposing to sell high end bottles from local breweries and wineries. The proposed project requires a conditional use permit for the issuance of a Type 20 (Off-Sale Beer & Wine) Alcoholic Beverage Control (ABC) License and a Public Convenience or Necessity (PCN) determination for the existing specialty retail shop (Windsor Homebrew Supply Company) at 743 Baker Street, Suite D and E. The proposed hours of operation are Monday through Friday, ~~10 AM – 4 PM~~ **10 AM – 6 PM**, and Saturday and Sunday, ~~10 AM – 6 PM~~ **10 AM – 4 PM**.

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.

PUBLIC COMMENTS

Scott Windsor, applicant, stated he has read the conditions of approval and agrees to them. He gave an explanation of his business.

Vice-Chair de Arakal, Mr. Windsor, and staff discussed asked how many bottles would be stored on-site in the refrigeration unit and if alcohol could be consumed on-site.

Curtis Bronzen, Long Beach resident, spoke in support of the application.

Aaron Vieira, Newport Beach resident, spoke in support of the application.

Kyle Sherman, Costa Mesa resident, spoke in support of the application.

Aaron Andrews, Newport Beach resident, spoke in support of the application.

The Chair closed the public hearing.

Chair Andranian asked if the ABC License is transferable. Mel Lee, Senior Planner, responded that it is transferable and ABC will notify the City of the transfer. Chair Andranian also asked if the conditions that the Planning Commission are approving tonight would transfer to a new owner at the same location. Mr. Lee responded that yes they would.

Vice-Chair de Arakal asked if the Type 20 ABC License could transfer as a different license. Mr. Lee responded that it could not.

Motion: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act Section 15301; and adopt a resolution to approve Planning Application PA-17-07 and making a finding of public convenience or necessity for the issuance of a Type 20 (Off-Sale Beer & Wine) ABC license, subject to conditions of approval.

Moved by Commissioner Harlan, seconded by Commissioner Kerins.

Vice-Chair de Arakal and Commissioner Kerins spoke in support of the application.

RESOLUTION PC-17-19 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-17-07 FOR THE ISSUANCE OF A TYPE 20 (OFF-SALE BEER & WINE) ALCOHOLIC BEVERAGE CONTROL (ABC) LICENSE AND MAKING A FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN) FOR AN EXISTING SPECIALTY RETAIL SHOP (WINDSOR HOMEBREW SUPPLY COMPANY) LOCATED AT 743 BAKER STREET, SUITE D AND E

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.

3. PLANNING APPLICATION PA-16-68 AND TENTATIVE PARCEL MAP 2016-205: FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 391 LA PERLE PLACE

Project Description: The proposed project involves the following:

- 1. Planning Application (Design Review) PA-16-68** for the construction of two, two-story detached single family residences. The detached 4-bedroom/3.5 bath units are both proposed at 2,672 square feet, and include an attached two-car garage. The proposed project complies with the Residential Small Lot Subdivision development standards and the Residential Design Guidelines.
- 2. Tentative Parcel Map 2016-205** for the subdivision of a 7,200 square-foot parcel into two 3,600 square-foot separate parcels consistent with the Residential Small Lot Subdivision standards.

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

Three ex-parte communications to report: Commissioner Navarro Woods received an email from Jeff Cefalia and they spoke over the phone about the revised design; Vice-Chair de Arakal

visited the project site with Mr. Oldham last month; and Commissioner Harlan had a phone conversation with Jeff Cefalia.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioners and staff discussed if the Planning Commissioner's previous concerns about the project were addressed in the revised project.

PUBLIC COMMENTS

Ryan Oldham, applicant, stated he has read the conditions of approval and agrees to them. He explained how the revised design addressed the concerns of the previous project and brought in samples of the materials being used on the proposed project.

A speaker stated concern with the parking.

Jay Humphrey, Costa Mesa resident, stated concern with the parking.

Steve Feinberg, Costa Mesa resident, stated concern with the clerestory windows; garage parking space; and green space.

A speaker spoke against the project.

A Costa Mesa resident (neighbor) spoke in support of the project.

Jeff Cefalia, project's developer, responded to public comments.

Brandon Huang, owner, responded to Commissioner Navarro Woods question about the rear second-story windows and to public comments.

Commissioners and Mr. Huang discussed the required garage parking and if it possible to raise the height of the rear second-story windows.

The Chair closed the public hearing.

Vice-Chair de Arakal spoke in support of the project.

MOTION: Move that the Planning Commission approve Planning Application PA-16-68 and Tentative Parcel Map 2016-205 for a two-unit Residential Small Lot Subdivision Development at 391 La Perle Place; and find that the project is categorically exempt from the provisions of the California Environmental Quality Act Section 15303; and adopt a resolution to approve Planning Application PA-16-68 and Tentative Parcel Map 2016-205, subject to conditions of approval.

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

Commissioner Harlan and Commissioner Kerins spoke in support of the project.

RESOLUTION PC-17-20 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-68 AND TENTATIVE PARCEL MAP 2016-205 FOR A TWO-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT FOR THE PROPERTY LOCATED AT 391 LA PERLE PLACE 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. THIRD AMENDMENT TO PLANNING APPLICATION PA-12-02: FOR THE TRIANGLE MASTER PLAN (PA-12-02 A3) AT 1870 HARBOR BOULEVARD AND 1875 NEWPORT BOULEVARD

Project Description: The following amendments to Master Plan PA-12-02 for the Triangle are proposed:

Amendment PA-12-02 A3 (Third Amendment):

1. Request to establish a live entertainment venue (Keys on Main) in the vacant 8,554 square-foot space formerly occupied by The Gap (Space L1-108). The live entertainment will consist of a "Dueling Piano" - style lounge with two performers (piano players) playing music from opposite pianos on a raised stage. The sale and service of alcoholic beverages for on-site consumption is proposed. A food menu will also be provided. Proposed hours of operation are 7:00 PM to 2:00 AM, Thursday through Sunday (closed Monday through Wednesday).
2. Amendment to the existing conditions of approval for eating and drinking establishments within the Triangle as they pertain to the following:
 - a. Designated passenger pick-up and drop-off areas on public streets;
 - b. Designate patron queuing/waiting areas for Time Nightclub (formerly Sutra Lounge/Era Lounge) in space L1-245; and
 - c. Modifications to the valet parking plan and on-site security plan as requested by the Costa Mesa Police Department.

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

No ex-parte communications to report.

Mel Lee, Senior Planner, presented the staff report.

Commissioners and staff discussed police concerns; the suggestion to supply physical barriers; what the max capacity for Keys on Main and Time Nightclub is; parking; and the elimination of the designated passenger pick-up and drop-off areas.

PUBLIC COMMENTS

Don Lamm, representative for the owner Greenlaw Partners, stated he has read the conditions of approval and agrees to them except Conditions of Approval No. 12, 13 and 14A. He also gave an overview of The Triangle and the proposed application Keys on Main.

Commissioners, staff, and Mr. Lamm discussed the circulation plan for The Triangle and if an internal parking solution is possible.

Candice Amigable, property manager, explained the ADA parking offered at The Triangle and the reasoning behind the \$20 price of the valet after 9 p.m.

A speaker spoke in support of the application but stated concerns with the parking.

Beth Refakus, Costa Mesa resident, spoke in support of the application, but stated concerns with the drop-off and pick-up area off Harbor Boulevard; people jaywalking; and the cost of valet parking.

A speaker stated concerns with the amount of liquor licenses in the area and the parking.

A speaker stated concerns with the parking and the cones off Harbor Boulevard.

George Hasenohrl, business owner, responded to public comments.

The Chair closed the public hearing.

Vice-Chair de Arakal asked if a sunset clause is possible for the coning of Harbor Boulevard to provide an internal parking solution. Mr. Lee responded yes, if the applicant applied for a new encroachment permit.

Chair Andranian asked if the Commissioners could suggest a price for what the valet charges. Mr. Lee responded no, but the Commissioners have put in a condition that the applicant cannot charge for valet parking. Chair Andranian also asked for the reasoning behind the 1 a.m. closing time in Condition of Approval No. 14. Mr. Lee responded the police wanted to have a staging closing time between the Time Nightclub and the proposed project.

Commissioners and staff discussed the reasoning behind the police request to close the proposed application at 1 a.m.

MOTION: Move that the Planning Commission find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under Section 15301 for Existing Facilities; and adopt a resolution to approve Amendment 3 to Master Plan PA-12-02, subject to conditions of approval with the following modifications:

Condition of Approval No. 12 and Condition of Approval No. 13 be deleted

Condition of Approval No. 14 to read: "The following conditions of approval shall apply specifically to the dueling piano entertainment use at 1870 Harbor Boulevard, Suite L1-108:

- a. Hours of operation shall be limited to 7:00 PM to 2:00 AM, Thursday through Sunday (closed Monday through Wednesday).
- b. Additional on-site security shall be provided for crowd control purposes during the nights both Keys on Main and Time Nightclub are in operation, if directed to do so by the Police Department.
- c. Passenger pick-up and drop-off areas on Harbor Boulevard may be allowed if approved through a city-issued encroachment permit and shall be reviewed 6-months after the opening of the business".

Moved by Chair Andranian, seconded by Commissioner Harlan with discussion.

Vice-Chair de Arakal proposed to amend Condition of Approval No. 12 to read: Encroachment permit for passenger pick-up and drop-off on Harbor Boulevard shall not extend beyond December 31, 2017.

Chair Andranian did not agree with amending his motion.

Commissioner Kerins agreed with the six-month review of the passenger pick-up and drop-off on Harbor Boulevard and suggested the applicant work out the circulation issue.

Commissioner Navarro Woods suggested lowering the cost of the valet parking.

RESOLUTION PC-17-21 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-12-02 A3, A THIRD AMENDMENT TO THE MASTER PLAN FOR THE TRIANGLE AT 1870 HARBOR BOULEVARD AND 1875 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, presented an update on Fire Station No. 1.
2. Development Services Report – Mr. Trevino stated that the six-month review for the passenger pick-up and drop-off areas on Harbor Boulevard will occur after the opening of the business.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT (03:21:07) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, JUNE 12, 2017.

Submitted by:



JAY TREVINO, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION