

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

December 11, 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 (00:00:11).

Commissioner Navarro Woods 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: Barry Curtis, Director of Economic and Development Services
Tarquin Preziosi, Assistant City Attorney
Yolanda Summerhill, Deputy City Attorney
Bart Mejia, City Engineer
Willa Bouwens-Killeen, Zoning Administrator
Minoo Ashabi, Principal Planner
Mel Lee, Senior Planner
Dan Inloes, Senior Planner
Peggy Schneble, Consultant
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Rick Huffman, Costa Mesa resident, stated concerns with street sweeping not occurring along streets where cars are permitted to park, especially at Paularino School.

Jay Humphrey, Costa Mesa resident, wished staff and Planning Commission a happy holiday and New Year.

Beth Refakes, Costa Mesa resident, thanked everyone that donated to the toy drive for the City's adopted 1st Battalion, 5th Marine Regiment at Camp Pendleton and wished everyone a happy holiday.

An unidentified speaker thanked Councilmember Foley for going to Washington D.C. to lobby about the City's sober living home situation; spoke about an article in The New Yorker on the opioid epidemic; and asked for a code enforcement update on the City's sober living homes. The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Navarro Woods responded to Mr. Hoffman's street sweeping concern.

Bart Mejia, City Engineer, stated that he will take Mr. Hoffman's concern to management and they will explore his options and other alternatives to address the issue.

Commissioner Kerins wished everyone a happy holiday and addressed Mr. Hoffman's street sweeping concern.

Vice Chair de Arakal asked if a warrant study would justify a left turn arrow at Baker Street and Coolidge Avenue and if speed bumps would be warranted along Coolidge Avenue.

Chair Andranian announced Snoopy House; thanked Beth Refakes for her work with the toy drive; and asked for a code enforcement report at the second meeting in January. Barry Curtis, Director of Economic and Development Services, responded that staff will provide a report.

CONSENT CALENDAR (00:15:00)

1. MINUTES FOR THE MEETING OF OCTOBER 23, 2017.

There were no public comments on the consent calendar item.

MOTION: Move approval of Consent Calendar.

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

NEW BUSINESS (00:16:00)

1. WORK PROGRAM FOR RESIDENTIAL SMALL LOT SUBDIVISIONS AND URBAN PLAN/OVERLAY DISTRICTS

Description: At a joint study session held in September by the Planning Commission and City Council, staff was directed to return with a work program to address the issues related to residential small lot subdivisions and urban plan/overlay districts. After review and feedback from the Commission, staff will present the work program to the City Council for consideration.

Peggy Schneble, Consultant, presented the staff report.

Ms. Schneble and Chair Andranian discussed how no action will be taken on this item and that only comments will be taken on the work plan at tonight's meeting.

PUBLIC COMMENTS

An unidentified speaker asked to get rid of the City's Small Lot Ordinance (SLO).

Jay Humphrey, Costa Mesa resident, stated concerns with the pace this item is moving forward.

An unidentified speaker stated concerns with the City's SLO and asked to get rid of it.

Cynthia McDonald, Costa Mesa resident, asked to revoke the SLO.

Beth Refakes, Costa Mesa resident, suggested putting an option on the work plan to revoke or eliminate the SLO.

Rick Huffman, Costa Mesa resident, suggested using a consulting firm to work on visioning items.

Will Gordon, Costa Mesa resident, suggested that no SLO or Overlay District projects get approved while the Commission is considering this item.

An unidentified speaker suggested to place a moratorium on the SLO.

The Chair closed the public comments.

Vice Chair de Arakal stated that he supports Alternative 1 of the work program. He suggested that a way to manage the SLO is to merge it with the Common Interest Development (CID) Guidelines and let the landowners decide if they are interested in pursuing either small lot or CID development. He would like to see the open space in the SLO match the CID; private open space in the SLO come up from 200 feet; and in the SLO have the CID change to a 15-foot rear yard setback when not abutting a private alley.

Commissioner Harlan addressed public comments on wanting a moratorium on the SLO; suggested taking a look at the SLO with a smaller perspective; and to address the overlays at a later date.

Vice Chair de Arakal suggested providing direction to staff to ask City Council to initiate a code amendment process for the SLO to bring it in line with the CID and recommended to staff that they take the work product for the Urban Overlays to the City Council for their approval.

Commissioner Kerins and staff discussed the differences between SLO and CID. She agreed with moving forward as proposed through Alternative 1.

Commissioner Navarro Woods would like to make sure that Alternative 1 in the work program addresses scale, character, and neighborhood identity while trying to match the SLO to the CID.

Vice Chair de Arakal asked that the Planning Commission reach a consensus that the City Council initiate a code amendment to modify the SLO and proceed with the Urban Plan Overlay District work plan. He stated he is not in favor of eradicating the City's SLO; he would like to bring it close to CID standards.

Chair Andranian stated there is a consensus with moving forward with Vice Chair de Arakal's direction to staff on the SLO and Urban Plan Overlay District.

Chair Andranian asked for comments on the work plan for the Overlays.

Vice Chair de Arakal suggested removing Maple Street in the Mesa West Urban Home Ownership Plan; and to start identifying areas where there are SB-2 zones to take advantage of SB-2 funding for affordable housing.

Commissioner Navarro Woods suggested bringing back the original vision for the Westside Overlays and agreed with the public comments to hire a consultant with a strong background in urban planning to help out.

The Chair called for a break at 7:17 p.m.

The Chair reconvened the meeting at 7:23 p.m.

PUBLIC HEARINGS (01:23:32)

1. PLANNING APPLICATION PA-17-40 TO ALLOW A MEDICAL MARIJUANA DISTRIBUTION FACILITY AT 3505 CADILLAC AVENUE, UNIT N3

Project Description: Planning Application PA-17-40 is a request for a Conditional Use Permit for a Medical Marijuana distribution facility (CMX Distribution) within a 4,722-square-foot tenant space in an existing industrial warehouse building. The proposed facility would include an office, work area, secure product storage area, and indoor parking for two delivery trucks. The facility will be staffed by at least 3-8 persons, including transportation drivers. The initial hours of operation are proposed to be daily from 7 AM to 7 PM, increasing to 24-hour-a-day operation if demand warrants. The facility will have security systems (card readers, security cameras, etc.) throughout the facility. No manufacturing or cultivation of marijuana, or medical marijuana dispensary, is permitted.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Five ex-parte communications to report: All Commissioners were contacted by Jim Fitzpatrick (applicant's representative).

Mel Lee, Senior Planner, presented the staff report.

Mr. Curtis stated that at the last meeting the Commissioners had questions about the review and analysis of security considerations for these types of projects and the City has retained HdL Company as its consultant. Mathew Eaton with HdL provided an overview of the process that the City follows to ensure applications meet the security requirements.

PUBLIC COMMENTS

Jim Fitzpatrick, applicant's representative, has read the conditions of approval and stated concerns with Condition of Approval Nos. 2, 9, and 30. He presented a slideshow on the history of state cannabis laws; Measure X; and what CMX Distribution will consist of.

Ed Sapigao, applicant's architect, explained how they will secure the facility and control odor.

Tom Johnson, Postal Alarm security expert for the application, explained the security system that was designed for the facility.

Mr. Fitzpatrick continued his presentation on the application.

Rob Taft, applicant, discussed a business that he operates in Santa Ana and how this item will produce products for his business.

Commissioner Navarro Woods and Mr. Johnson discussed where the cameras are located especially, at the front door.

Commissioner Navarro Woods and Mr. Fitzpatrick discussed crime prevention as mentioned in the staff report on handwritten page 27.

Commissioners and Tarquin Preziosi, Assistant City Attorney, discussed Condition of Approval Nos. 9, 2 and 30.

Rick Huffman, Costa Mesa resident, asked for clarification on what the applicant can manufacture.

Jay Humphrey, Costa Mesa resident, stated concerns with an event occurring at the Orange County Fairgrounds that could be dispensing marijuana.

An unidentified speaker spoke in support of this item.

An unidentified speaker spoke in opposition to this item.

An unidentified speaker spoke in opposition to this item.

Mr. Taft responded to public comments.

Mr. Fitzpatrick responded to public comments and gave closing comments.

The Chair closed the public hearing.

The Commissioners and Mr. Preziosi discussed Condition of Approval No. 30.

MOTION: Move that the Planning Commission find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301; and adopt a Resolution to approve Planning Application PA-17-40, subject to the findings in Exhibit A and subject to the conditions of approval in Exhibit B.

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

RESOLUTION PC-17-52 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-17-40 TO ALLOW A MEDICAL MARIJUANA DISTRIBUTION FACILITY AT 3505 CADILLAC AVENUE, UNIT N3

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.

- 2. PLANNING APPLICATION PA-15-22 FOR A CONDITIONAL USE PERMIT FOR THE CONVERSION OF AN EXISTING INDUSTRIAL BUILDING TO A BANQUET FACILITY, ON-SITE AND OFF-SITE VALET PARKING, AND A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR RELIEF SPACE AND DEVIATION FROM PARKING REQUIREMENTS FOR**

OFF-SITE SHARED PARKING WITH 2991 RANDOLPH AVENUE AND 765 SAINT CLAIR STREET FOR A PROPOSED PROJECT AT 2955 RANDOLPH AVENUE, SUITE B

Project Description: Planning Application PA-15-22 is a request for a conditional use permit for the renovation of a 2,300-square-foot tenant space within a single-story industrial building at 2955 Randolph Avenue to an event venue (Alleylujah). The request includes the following:

1. Conditional use permit for:
 - a) operation of an event center/ banquet facility
 - b) valet parking at 2955 and 2991 Randolph Avenue and 765 St. Clair
2. Minor conditional use permit for:
 - a) an outdoor relief area for the event center
 - b) shared parking at 765 St. Clair Street and 2991 Randolph Avenue

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Dan Inloes, Senior Planner, presented the staff report.

Commissioners and staff discussed why it is important that the application is not within 200 feet of a residentially-zoned property or any residential use; how all properties in the application are owned by the applicant; the shared parking agreement; how valet parking will only occur while the other businesses are not operating; maximum occupancy at the 2995 Randolph Avenue site; how the parking ratio is calculated; and the hours of operation proposed by the applicant versus what the staff report states.

PUBLIC COMMENTS

Linda Sadeghi, applicant, stated she read and agreed to the conditions of approval and presented a slideshow on the proposed application.

Commissioner Kerins asked where the Uber/Lyft drop off and waiting area will be located. Ms. Sadeghi responded at the valet stand drop off area.

Jay Humphrey, Costa Mesa resident, stated concerns with the project's parking plan and with setting a shared parking precedent.

Will Gordon, Costa Mesa resident, asked that there could be a condition added where patrolling before or after an event within a 500-foot radius would occur to check whether patrons are parking in the surrounding businesses or leaving trash and that an annual letter be sent to whoever would be impacted by this application on who to contact if they have a concern. He also spoke in opposition to this item.

An unidentified speaker spoke in support of this item and suggested having a conversation to address the parking in the area.

An unidentified speaker spoke in opposition to this item.

Ms. Sadeghi responded to public comments and gave closing comments.

The Chair closed the public hearing.

Chair Andranian and staff discussed the status of the various parking solutions for the SoBECA area.

MOTION: Move that the Planning Commission find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301; and adopt a Resolution to approve Planning Application PA-15-22, subject to conditions of approval.

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

Vice Chair de Arakal stated he will be supporting the motion but stated concerns with there not being a parking solution for that district.

Commissioner Navarro Woods stated she will not be supporting the motion.

Commission Harlan stated the application is a good use of the space and is a good addition to the area.

RESOLUTION PC-17-53 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-22 FOR A CONDITIONAL USE PERMIT FOR AN EVENT VENUE/BANQUET FACILITY, ON-SITE AND OFF-SITE VALET PARKING, AND A MINOR CONDITIONAL USE PERMIT FOR OUTDOOR ACTIVITY SPACE AND DEVIATION FROM PARKING REQUIREMENTS TO ALLOW OFF-SITE SHARED PARKING WITH 2991 RANDOLPH AVENUE AND 765 ST. CLAIR STREET FOR THE PROPOSED PROJECT AT 2955 RANDOLPH AVENUE, SUITE B

The motion carried by the following roll call vote:

Ayes: Andranian, de Arakal, Harlan, Kerins

Noes: Navarro Woods

Absent: None

Abstained: None

The Chair explained the appeal process.

The Chair called for a break at 9:59 p.m.

The Chair reconvened the meeting at 10:06 p.m.

3. MASTER PLAN PA-17-28 FOR A MIXED-USE PROJECT (THE PLANT) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE

Project Description: Planning Application PA-17-28 is a Master Plan for a mixed-use development (The Plant). The project consists of renovating four existing commercial buildings (currently containing the Car Mart and the former Plant Stand) totaling 21,990 square feet for retail, restaurant, and food stall uses surrounding a central courtyard area. The proposed new buildings consist of a 520-square-foot greenhouse structure and a four-story mixed use building with 48 residential units, six live/work units, and 4,486-square-feet of workshop/maker office space above a two-level parking structure containing 158 parking spaces. 24 additional on-site parking spaces and 27 on-street parking spaces on Century Place are also proposed, for a total of 209 parking spaces. No code deviations are being requested for this project.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332 (Class 32), In-Fill Development Projects.

Four ex-parte communications to report: Chair Andranian met with the applicant, Vice Chair de Arakal and Commissioner Kerins met with Christ Bennett and Shaheen Sadeghi, and Commissioner Harlan met with Shaheen Sadeghi.

Mel Lee, Senior Planner, presented the staff report.

Commissioners and staff discussed how the project's plan changed since it went before the City Council for its original screen request; the project's parking; shared parking analysis; how the City's parking code calculations applied to this project; whether on-street parking has previously been used in the City towards a project's parking count; legal aspect of approving a project that has parking on private property and on public property; and whether the 27 parking spaces on Century Place would be restricted.

PUBLIC COMMENTS

Chris Bennett, Lab Holdings, stated he read and agreed to the conditions of approval. He presented a slideshow on the proposed application and answered Commissioners concerns.

Commissioner Navarro Woods asked Mr. Bennett if subterranean parking was considered. Mr. Bennett responded no, because of the cost.

Vice Chair de Arakal asked Mr. Bennett to explain how they responded to City Council comments when the item went before them last November. Mr. Bennett responded that the items that were changed were the parking on Century Place which is now oriented as perpendicular parking and they added the exterior patio space.

Shaheen Sadeghi, Lab Holdings, responded to the Commissioners parking concerns.

Jay Humphrey, Costa Mesa resident, stated concerns with the project not having to apply for an additional conditional use permit for alcohol; on-street parking being used to solve the parking problem for the project; and how the parking was calculated.

An unidentified speaker stated concerns with the project's lack of required parking; eating area not parked; and the impact the project will have.

Cynthia McDonald, Costa Mesa resident, stated concerns with the small size of the live/work units; traffic and circulation; and street parking being used exclusively for the project.

Jamie Danishment, owner of CarMart, spoke in opposition to this item.

An unidentified speaker asked why Commissioner Kerins did not recuse herself from the last item because she has family members that work for The Camp and spoke in opposition to this item.

Yolanda Summerhill, City Attorney, responded to the previous public comment about Commissioner Kerins and explained why she did not have a conflict of interest.

Mr. Bennett responded to the public comment about the size of the live/work units.

Paul Wilkinson, traffic consultant from LLG, responded to parking concerns; explained the parking calculations for the patio area; and the shared parking analysis.

Vice Chair de Arakal and Mr. Wilkinson discussed what the parking requirement is per City code.

The Chair closed the public hearing.

Chair Andranian and staff discussed how staff calculated the parking for the project versus how the applicant did.

Chair Andranian re-opened the public hearing for clarification on how the patio area was calculated in the parking for the project.

Jim Trammell, applicant, explained what areas were included in their parking calculations.

Commissioner Harlan and Mr. Lee discussed why a partial street vacation off Century Place did not move forward.

Vice Chair de Arakal asked if metered parking was considered and stated concerns with the lack of parking.

Chair Andranian also stated concern with the parking.

**MOTION: Move that the Planning Commission continue the item and direct staff to work with the applicant whereby an arrangement can be made for vacation of the property by the City to the applicant or an arrangement where the applicant can deed the property for the parking to the City in which case it becomes public parking.
Moved by Vice Chair de Arakal.**

Commissioner Harlan offered an amended motion because he did not want to limit the solution to only parking related.

**AMENDED MOTION: Move that the Planning Commission continue the item and direct staff to work with the applicant to find a solution to address concerns expressed by the Commission regarding parking for the proposed project.
Moved by Vice Chair de Arakal, seconded by Commissioner Harlan.**

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 – none.
2. Development Services Report – Mr. Curtis reported that City Council ruled to overturn the approval of the Orange County Humane Society request for an animal shelter. Mr. Curtis wished the Commission a happy holiday.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Ms. Summerhill wished the Commission a happy holiday.

ADJOURNMENT (05:42:42) TO A PLANNING COMMISSION MEETING AT 6:00 P.M., OR SHORTLY THEREAFTER, ON MONDAY, JANUARY 8, 2018.

Submitted by: 

BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION