



PLANNING COMMISSION AGENDA

July 8, 2019

*Pre-Meeting Agenda Review begins at **5:30 p.m.** in Conference Room 1A
Planning Commission Meeting begins at **6:00 p.m. in the Council Chambers

CALL TO ORDER.

PLEDGE OF ALLEGIANCE TO THE FLAG.

ROLL CALL: Chair: Byron de Arakal

Vice Chair: Jeffrey Harlan

Commissioners: Kedarious Colbert, Carla Navarro Woods, Dianne Russell,
Jenna Tourje, Jon Zich

ANNOUNCEMENTS AND PRESENTATIONS:

PUBLIC COMMENTS:

To ensure fair and equal treatment of all who appear before the Planning Commission, and to expedite City business, speakers may be limited to three minutes during Public Comments to speak on any item within the Planning Commission's jurisdiction, which is not listed on the Agenda. This time may be extended for good cause by the Chair or by majority vote of the Planning Commission. In accordance with Costa Mesa Municipal Code, Sec. 2-64 (1): No person in the audience shall engage in disorderly, disruptive, disturbing, delaying or boisterous conduct.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

CONSENT CALENDAR: None

PUBLIC HEARINGS:

PROCEDURE: Announcement of Public Hearing Item, Report of Ex Parte Communications, Staff Report Presentation, Commission Questions for Staff, Open Public Hearing, Close Public Hearing, Motion

1. **APPEAL OF THE DIRECTOR'S DENIAL OF SPECIAL USE PERMIT SL-16-0014 TO ALLOW A SOBER LIVING FACILITY OPERATED AS THE FELLOWSHIP HOUSE, SERVING TEN PERSONS AND ONE HOUSE MANAGER, AT 2412 ORANGE AVENUE**

Project Description: Special Use Permit 16-0014 is a request to allow a sober living facility serving 10 adults and one house manager to operate in a five-bedroom single-family residence. The special use permit (SUP) was denied by the Director of Development Services. The applicant has appealed that decision to the Planning Commission.

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.

Recommended Action: Staff recommends that the Planning Commission adopt a Resolution to uphold the Director's decision and deny Special Use Permit SL-16-0014.

2. **ZONING APPLICATION 19-15, A REQUEST FOR A MINOR CONDITIONAL USE PERMIT TO INSTALL A SMALL CELL FACILITY ON TOP OF A REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED WITHIN THE PUBLIC STREET RIGHT-OF-WAY NEAR 1701 BAKER STREET (ON MESA VERDE DRIVE EAST)**

Project Description: Zoning Application 19-15 is a request for a Minor Conditional Use Permit (MCUP) to install a small cell facility on top of a replacement Southern California Edison streetlight pole located within public street right-of-way near 1701 Baker Street (on Mesa Verde Drive East). This item was continued from the June 10, 2019 Planning Commission meeting.

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

Recommended Action: Staff recommends that the Planning Commission continue this item to a date uncertain.

3. **ZONING APPLICATION 19-28, A REQUEST FOR A MINOR CONDITIONAL USE PERMIT TO INSTALL A SMALL CELL FACILITY ON TOP OF A REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLE LOCATED WITHIN THE PUBLIC STREET RIGHT-OF-WAY NEAR 1993 MEYER PLACE**

Project Description: Zoning Application 19-28 is a request for a Minor Conditional Use Permit (MCUP) to install a small cell facility on top of a replacement Southern California Edison streetlight pole located within public street right-of-way near 1993 Meyer Place. This item was continued from the June 10, 2019 Planning Commission meeting.

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

Recommended Action: Staff recommends that the Planning Commission continue this item to a date uncertain.

4. [ZONING APPLICATIONS 19-26, 19-27, 19-29, 19-30, AND 19-32, REQUESTS FOR FIVE MINOR CONDITIONAL USE PERMITS TO INSTALL SMALL CELL FACILITIES ON TOP OF REPLACEMENT SOUTHERN CALIFORNIA EDISON STREETLIGHT POLES LOCATED WITHIN PUBLIC STREET RIGHTS-OF-WAY NEAR 3056 WARREN LANE, 1051 CHEYENNE STREET, 3045 BABB STREET, 3107 KILLYBROOKE LANE, AND 615 TOWN CENTER DRIVE \(ON AVENUE OF THE ARTS\), RESPECTIVELY](#)

Project Description: Zoning Applications 19-26, 19-27, 19-29, 19-30, and 19-32 are requests for five Minor Conditional Use Permits (MCUPs) to install small cell facilities on top of replacement Southern California Edison streetlight poles located within public street rights-of-way near 3056 Warren Lane, 1051 Cheyenne Street, 3045 Babb Street, 3107 Killybrooke Lane, and 615 Town Center Drive (on Avenue of the Arts), respectively. These items were continued from the June 10, 2019 Planning Commission meeting.

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

Recommended Action: Staff recommends that the Planning Commission continue these items to a date uncertain.

5. [PLANNING APPLICATION 19-12, A MASTER PLAN FOR A MIXED-USE PROJECT \(THE PLANT\) AT 765-767 BAKER STREET AND 2972 CENTURY PLACE](#)

Project Description: Planning Application 19-12 is a request for a Master Plan for a mixed-use development (The Plant) at 765 - 767 Baker Street and 2972 Century Place. The project consists of the proposed renovation of three existing commercial buildings (containing the former Car Mart and Plant Stand) totaling 19,100 square feet, for retail and restaurant uses surrounding a central courtyard area. In addition, new buildings are proposed consisting of two greenhouse structures at 540 square feet and 700 square feet which will contain food stall uses, and a four-story mixed use building with 48 residential units, 14 live/work units, and 2,570 square feet of workshop/maker office space above a two-level parking structure containing 170 parking spaces. Additionally,

39 on-site open parking spaces and 34 open parking spaces accessible from Century Place are proposed, for a total of 243 proposed parking spaces.

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

Recommended Action: Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15332; and
2. Approve Planning Application 19-12, subject to conditions of approval.

6. [CODE AMENDMENT CO-19-02 ADDING ARTICLE 23 \(NEEDLE AND SYRINGE EXCHANGE PROGRAMS\) TO CHAPTER IX \(SPECIAL LAND USE REGULATIONS\) AND AMENDING TABLE 13-30 OF CHAPTER IV \(CITYWIDE LAND USE MATRIX\) OF TITLE 13 \(PLANNING ZONING AND DEVELOPMENT\) OF THE COSTA MESA MUNICIPAL CODE, REGARDING THE OPERATION OF CLEAN NEEDLE AND SYRINGE EXCHANGE PROGRAMS IN ALL ZONING DISTRICTS IN THE CITY](#)

Description: In 2018, the City Council adopted an urgency ordinance (Urgency Ordinances 18-07 and 18-08) as an interim measure (also known as a moratorium) prohibiting the establishment and/or operation of hypodermic needle and syringe exchange programs within all zoning districts of the City of Costa Mesa for the protection of the public health, safety and welfare pursuant to Government Code section 65858. Unless extended by the City Council for up to 12 additional months, the moratorium will expire on August 7, 2019.

Since the initial adoption of the moratorium on August 7, 2018, staff has studied the issue of whether, and if so where, a needle exchange program would be an appropriate use within the City of Costa Mesa. Staff has preliminarily determined that, due the pervasiveness of addiction recovery facilities throughout the City, the provision of easily obtainable syringes and hypodermic needles is not appropriate within Costa Mesa as it would put the recovery of hundreds of recovering addicts at risk. Accordingly, staff has initiated a code amendment which would prohibit the establishment and operation of a needle exchange program within any zoning district in the City.

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

Recommended Action: Staff recommends that the Planning Commission recommend that the City Council:

- 1) Find this project statutorily exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b)(3) of the CEQA Guidelines, which states that "the activity is covered by the general rule that CEQA applies only to projects which have the potential

for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have an effect on the environment, the activity is not subject to CEQA"; and

2) Recommend that the City Council adopt Code Amendment CO-19-02 amending the following:

- Adding Article 23 (Needle and Syringe Exchange Programs) to Chapter IX (Special Land Use Regulations) and amending Table 13-30 of Chapter IV (Citywide Land Use Matrix) of Title 13 (Planning Zoning and Development) of the Costa Mesa Municipal Code, regarding the operation of clean needle and exchange programs in all zoning districts in the City.

DEPARTMENTAL REPORTS:

1. **Public Services Report**
2. **Development Services Report**

CITY ATTORNEY'S OFFICE REPORT:

1. **City Attorney**

ADJOURNMENT

Next Meeting: Planning Commission regular meeting, July 22, 2019, 6 PM, City of Costa Mesa Council Chambers, 77 Fair Drive, Costa Mesa, California.

ADDITIONAL INFORMATION

PLANNING COMMISSION MEETINGS:

Costa Mesa Planning Commission meets the second and fourth Monday of each month at 6:00 p.m. in the Council Chambers at City Hall, 77 Fair Drive. All Planning Commission meetings are open to the public.

The Planning Commission and staff hold an Agenda Review Study Session at 5:30 p.m., prior to the regular meeting, in Conference Room 1A. This session is open to the public. Each member of the public will be given the opportunity to speak for one (1) minute on study session items.

PUBLIC COMMENTS – MATTER LISTED ON THE AGENDA:

Members of the public desiring to speak during the Public Comments period on a matter listed on the agenda are not required to submit a speaker card but may choose to voluntarily complete a card for facilitation of the minutes and possible follow-up to their comments. Each speaker is limited to three minutes.

1. Any written communications, photos, or other materials for copying and distribution to the Planning Commission must be 10 pages or less and submitted to the Planning Department **NO LATER THAN 12:00 p.m.** on the day of the hearing. Materials can be e-mailed to PlanningCommission@costamesaca.gov. If the public wishes to submit written communication, photos, or other material for distribution to the Planning Commission at the meeting or AFTER 12:00 p.m. the day of the hearing, 10 copies will need to be provided for distribution. Please note that NO copies of written communication will be made AFTER 12:00 p.m. Any materials to be displayed on the overhead projector at the Planning Commission Meeting must be submitted to the Planning Department **NO LATER THAN 15 MINUTES PRIOR TO THE START OF THE MEETING.**
2. **All cell phones and other electronic devices are to be turned off or set to vibrate.** Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.
3. In accordance with City Council Policy 000-11, and among other requirements, any video submitted for display at a public meeting must have been previously reviewed by staff to verify appropriateness for general audiences. A copy of this policy is available at City Hall during normal office hours.
4. Free Wi-Fi is available in the Council Chamber during the meetings. Two networks are available: council1 and council2. The password for either network is: cmcouncil.

In compliance with the Americans with Disabilities Act of 1990, Assistive Listening headphones located inside the Council Chambers are available at all Costa Mesa Planning Commission meetings and can be checked out from the Planning Department. If you need special assistance to participate in this meeting, please contact the Planning Department at 714.754.5245. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II]. Language translation services are available for this meeting by calling 714.754.5245 at least 48 hours in advance. Habrá servicio de interpretación disponible para éstas juntas llamando al 714.754.5245 por lo menos con 48 horas de anticipación.

AGENDA REPORTS:

Reports may be obtained on the City's web site at www.costamesaca.gov. Agenda Packets are available for public review in three-ring binders located at the Planning Division Counter at City Hall located on the second floor during normal business hours and at the Council Chambers entrance during the meeting. In addition, such writings and documents may be posted, whenever possible, as part of the agenda, on the City's website at www.costamesaca.gov.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an aggrieved party files an appeal to the City Council, or a member of City Council requests a review of the action. Applications for appeals are available in the City Clerk's office.

CONTACT US:

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