



PLANNING COMMISSION AGENDA

December 9, 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, Marc Perkins, 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. [**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE \(CODE AMENDMENT CO-19-04\) AMENDING TITLE 19 AND TITLE 13 OF THE COSTA MESA MUNICIPAL CODE \(FRANCHISES AND PLANNING, ZONING, AND DEVELOPMENT\), RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED INFRASTRUCTURE WITHIN THE PUBLIC RIGHT-OF-WAY**](#)

Project Description: Code Amendment CO-19-04 would amend Title 19 and Title 13 of the Costa Mesa Municipal Code to modify and establish standards and procedures for wireless telecommunications facilities in the public right-of-way. This item was continued from the November 25, 2019 Planning Commission meeting.

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 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 15061(b)(3)(General Rule exemption); and
2. Recommend that the City Council give first reading to an Ordinance approving Code Amendment CO-19-04, amending Title 19 and Title 13 of the Costa Mesa Municipal Code (Franchises and Planning, Zoning, and Development), relating to wireless telecommunications facilities and related infrastructure within the public right-of-way.

[**Click here for public correspondence received on this item**](#)

2. [**DEVELOPMENT AGREEMENT 19-02, AN AMENDMENT TO PACIFIC ARTS PLAZA DEVELOPMENT AGREEMENT DA-00-04**](#)

Project Description: Development Agreement (DA) 19-02 (as adopted by Ordinance) is a request to amend the Pacific Arts Plaza DA (DA-00-04) to extend its term for two years to expire on August 15, 2023. Pacific Arts Plaza is a 6.26-acre subarea of the South Coast Plaza Town Center area and is bounded by Anton Boulevard, I-405 Freeway, Bristol Street and Avenue of the Arts.

Environmental Determination: The Project was evaluated under Environmental Impact Report No. 1047 (SCH No. 2000041100) certified in February 2001 and Mitigated Negative Declaration for the high-rise building (approved in October 2002). In addition, the proposed ordinance for the DA time extension is not a "project" and further is exempt

from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3).

Recommended Action: Staff recommends that the Planning Commission adopt a Resolution to recommend the following actions to City Council:

1. Find that pursuant to the provisions of the California Environmental Quality Act ("CEQA") (California Public Resources Code Sections 21000 et seq.) and State CEQA guidelines (Sections 15000 et seq.) the ordinance is not a "project" and further, that it is exempt from the provisions of CEQA pursuant to CEQA Guidelines Section 15061(b)(3) (because it can be seen with certainty that the adoption of this Ordinance will not have an effect on the environment) such that no environmental review under CEQA is required); The Project was evaluated under Environmental Impact Report No. 1047 (SCH No. 2000041100) certified in February 2001 and Mitigated Negative Declaration for the high-rise building (approved in October 2002); and
2. Give first reading to Ordinance 19-XX approving an amendment to Development Agreement 00-04 extending the term of the agreement for 24 months to August 15, 2023.

[Click here for public correspondence received on this item](#)

3. [**PLANNING APPLICATION 19-14 FOR A VARIANCE TO ALLOW A TEMPORARY MULTI-PHASE REMEDIATION SYSTEM IN THE SIDE SETBACK AT 3599 HARBOR BOULEVARD**](#)

Project Description: Planning Application 19-14 is a request for a variance to allow installation of a temporary multi-phase remediation system within the required side setback of an existing automobile service station located at 3599 Harbor Boulevard. Once remediation is complete, the treatment system would be removed and the 20-foot landscaped setback would be re-established.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities, Section 15303 (Class 3), New Construction, and Section 15311 (Class 11), Accessory Structures.

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

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities, Section 15303 (Class 3), New Construction, and Section 15311 (Class 11), Accessory Structures; and
2. Approve Planning Application 19-14, subject to conditions of approval.

[Click here for public correspondence received on this item](#)

4. [PLANNING APPLICATION 19-21 AND ZONING APPLICATION 19-90 FOR A CONDITIONAL USE PERMIT FOR ISSUANCE OF A STATE ALCOHOL BEVERAGE CONTROL \(ABC\) LICENSE TYPE 20 \(OFF-SALE BEER AND WINE\) TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION; MINOR CONDITIONAL USE PERMIT FOR A WINE BAR WITH LESS THAN 300 SQUARE FEET OF PUBLIC AREA IN A MULTI-TENANT CENTER; A DEVIATION FROM PARKING REQUIREMENTS BASED ON UNUSUAL OPERATING CHARACTERISTICS; A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR ISSUANCE OF A STATE ABC LICENSE TYPE 42 \(ON-SALE BEER AND WINE\); AND AN AMENDMENT TO ZONING APPLICATION 09-42 TO MODIFY THE HOURS OF OPERATION OF AN ADJACENT BAR AT 816 WEST 19TH STREET](#)

Project Description: Planning Application 19-21 and Zoning Application 19-90 is a request for a Conditional Use Permit (CUP) and Minor Conditional Use Permit (MCUP) to allow a wine bar and associated wine shop, Semi Tropic Wines, within a 1,118-square-foot tenant space in an existing multi-tenant commercial building at 816 West 19th Street.

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:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Existing Facilities); and
2. Approve Planning Application 19-21, Zoning Application 19-90 and Zoning Application 09-42 A1, subject to conditions of approval.

[Click here for public correspondence received on this item](#)

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, January 13, 2020, 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.

Note regarding agenda-related documents provided to a majority of the Planning Commission after distribution of the Planning Commission agenda packet (GC §54957.5):

Any related documents provided to a majority of the Planning Commission after distribution of the Planning Commission Agenda Packets will be made available for public inspection. Binders containing these agenda-related documents are located in the Council Chambers lobby. In addition, such documents may be posted—whenever possible 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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