

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

June 24, 2019

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 at 6:00 p.m.

Commissioner Tourje led the Pledge of Allegiance.

ROLL CALL

Present: Chair Byron de Arakal
Commissioner Kedarious Colbert
Commissioner Dianne Russell
Commissioner Jenna Tourje
Commissioner Jon Zich

Absent: Vice Chair Jeffrey Harlan
Commissioner Carla Navarro Woods

Staff: Barry Curtis, Director of Economic and Development Services
Jennifer Le, Assistant Director of Development Services
Tarquin Preziosi, Assistant City Attorney
Bart Mejia, City Engineer
Mel Lee, Senior Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Adrienne Gladson, volunteer from the Orange County Planning Association, explained what the OCPOLI-C program is and how to get involved.

Chair de Arakal commented on Ms. Gladson public comment.

The Chair closed public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Zich thanked staff and commended them for all their hard work with the new voting system in Chambers.

Chair de Arakal thanked the Costa Mesa Senior Center staff and CMTV staff for all their hard work with setting up the Planning Commission meetings at the Senior Center. He also thanked Bart Mejia, City Engineer, and his team for all the work they did on the Council Chambers. He spoke on the July 3 event at the OC Fair and that tonight's meeting will be adjourned in memory of former Assistant Director of Development Services Mike Robinson.

CONSENT CALENDAR:

Commissioner Russell and Commissioner Tourje stated that they will be abstaining from Consent Calendar items one and two since they were not a part of the Planning Commission at that time.

- 1. MINUTES FOR THE MEETING OF MAY 13, 2019**
- 2. MINUTES FOR THE MEETING OF APRIL 22, 2019**
- 3. GENERAL PLAN CONFORMITY REPORT AND RESOLUTION THEREOF FOR THE PROPOSED VACATION OF EXCESS PUBLIC RIGHT-OF-WAY LOCATED AT 1903 SANTA ANA AVENUE (ASSESSOR'S PARCEL NUMBER 426-281-23)**
- 4. GENERAL PLAN CONFORMITY REPORT AND RESOLUTION THEREOF FOR THE SANTA ANA AVENUE AND UNIVERSITY DRIVE DRAINAGE AND PAVEMENT IMPROVEMENTS**

MOTION: Move all items.

Moved by Commissioner Zich, seconded by Chair de Arakal.

RESOLUTION PC-19-32 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE PROPOSED VACATION OF EXCESS PUBLIC RIGHT-OF-WAY LOCATED AT 1903 SANTA ANA AVENUE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN

RESOLUTION PC-19-33 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE SANTA ANA AVENUE AND UNIVERSITY DRIVE DRAINAGE AND PAVEMENT IMPROVEMENTS PROJECT IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Colbert

Noes: None

Absent: Harlan and Navarro Woods

Abstain: Russell and Tourje (minutes only)

PUBLIC HEARINGS

- 1. ZONING APPLICATION 19-37 IS 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 PUBLIC STREET RIGHT-OF-WAY NEAR 1541 WINTERGREEN PLACE

Project Description: Zoning Application 19-37 is a request for a Minor Conditional Use Permit (MCUP) to install a small cell facility on top of a Southern California Edison streetlight pole located within public street right-of-way near 1541 Wintergreen Place. This item was continued from the May 28, 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.

No ex-parte communications to report.

Chair de Arakal stated that staff is recommending to the Commission that they continue this matter to the July 8 Planning Commission meeting so he will open the public hearing for anyone that wants to speak tonight.

PUBLIC COMMENTS

Ray Walls, property owner at 1541 Wintergreen Place, asked if AT&T has come up with a new location; asked what the Commission learned from the last meeting about the comments made from the public specifically the Supreme Court ruling that the Commission did not have to only rule on the aesthetics; asked if there was a study done on the light pole replacement; and whether there would be adequate lighting if light poles are moved.

Chair de Arakal responded to the Mr. Walls comments and stated that the 1541 Wintergreen Place item was continued to the July 8 Planning Commission meeting and suggested interested parties attend the July 2 City Council meeting to voice concerns.

Franklin Orzoco, applicant's representative, stated that AT&T is working on an alternative analysis and asked for the item to be continued to the July 22 meeting.

Chair de Arakal and Tarquin Preziosi, Assistant City Attorney, discussed whether the shot clock needed another affirmative waiver.

Jennifer Le, Assistant Director of Development Services, stated that the July 22 meeting works for staff and the noticing requirement.

Chair de Arakal asked Mr. Orzoco if he would accept the addition of an additional 10 days to the tolling agreement on the shot clock.

Mr. Orzoco responded yes, he will be sending a revised tolling agreement to the City.

Mr. Preziosi and Mr. Orzoco discussed an extension to the tolling agreement.

MOTION: Move that the Planning Commission continue the public hearing for Zoning Application 19-37 to the regularly scheduled Planning Commission meeting of July 22 with the understanding that the applicant will be submitting a shot clock waiver to the City.

Moved by Chair de Arakal, seconded by Commissioner Colbert.

Commissioner Zich provided comments to the public speaker on why the City Council will be reviewing the small cell applications in July and suggested he express his concerns to the City Council.

The motion carried by the following roll call vote:

Ayes: de Arakal, Colbert, Russell, Tourje, Zich

Noes: None

Absent: Harlan, Navarro Woods

Abstain: None

2. ZONING APPLICATION 19-41, A MINOR CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT AND DANCING FOR A PROPOSED RESTAURANT AT THE TRIANGLE, 1870 HARBOR BOULEVARD, SUITE A210 (CAFÉ SEVILLA)

Project Description: Zoning Application 19-41 is a request for a Minor Conditional Use Permit to allow the sale of alcoholic beverages for on-site consumption after 11 PM in conjunction with live entertainment and dancing at a proposed restaurant (Café Sevilla) in the former 7,880-square-foot Saddle Ranch Chop House tenant space at The Triangle. Proposed hours of operation are 10 AM to 2 AM, seven days a week. The restaurant would operate with a State Alcoholic Beverage Control (ABC) License Type 47 (On-Sale General, Eating Place). Live entertainment would consist of guitar and piano players, House DJ's, dancers and singers, as well as patron dancing.

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.

Mel Lee, Senior Planner, presented the staff report.

Commissioners and Mr. Lee discussed whether ZA-05-23 minor conditional use permits were still in place; why ZA-05-23 was not revoked at the same time as ZA-05-57; whether Condition of Approval No. 5 handles police department concerns; whether there will be two different maximum occupancies based on the configuration of the restaurant; whether there are similar conditions for the surrounding restaurants; whether the intensity of the use was taken into consideration with regards to parking; and whether the City has done a parking utilization study at The Triangle.

Ms. Le clarified that, in regards to the intensity of use question, staff did look into the live entertainment proposed and staff's perspective was that the use was not necessarily more intense than the previous restaurant use (Saddle Ranch).

Commissioner Zich and Mr. Lee discussed whether The Triangle has its own security company and whether the security company logs in incidences and shares the information with the Costa Mesa Police Department.

Ms. Le clarified to Commissioner Zich's question regarding hours of operation that Condition of Approval No. 1 addresses it.

PUBLIC COMMENTS

Don Lamm, applicant's representative, stated that they have read the conditions of approval and agreed to them. He explained the history of The Triangle property; what Café Sevilla will bring to the location; and discussed the owner's (Eric and Ann Van den Haute) restaurant experience.

Eric and Ann Van den Haute, applicants, presented a slideshow on the proposed application.

Commissioners and Mr. Van de Haute discussed that the restaurant will have its own security staff after 10 PM; the qualifications of the security staff; when The Triangle security would be used; and where the table and chairs would be located when dancing occurs.

No public comments.

The Chair closed the public comment portion.

Ms. Ann Van Haute provided closing comments.

The Chair closed the public hearing.

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 approve Zoning Application 19-41, subject to conditions of approval including those modified in the supplemental memorandum identified as Condition of Approval No. 4 and No. 5.

Condition of Approval No. 4 to read: "The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood, including, but not limited to, the following:

- a) The exterior doors and windows shall remain closed during any performance of live entertainment after 10 PM.**
- b) No live entertainment shall take place on the outside patio after 8 PM. No amplified live music shall take place on the outside patio at any time.**
- c) In the event noise complaints are received, the volume level of any exterior speakers shall be reduced".**

Condition of Approval No. 5 to read: "In the event of any CMPD calls for service related to excessive alcohol consumption confirmed to be linked with Café Sevilla, and confirmed to have occurred, within any 60-day period, the operator and/or business owner shall comply with the following:

- a) First offense shall result in a verbal and written warning from CMPD.**
- b) Second offense shall result in the business closing 30 minutes earlier for a period of two weeks and cease alcoholic beverage sales and consumption 30 minutes earlier for a period of six months.**
- c) Third offense shall result in the suspension of bottle service for a period of 30 days. If any additional incidents were to occur in a six-month period, bottle service shall be suspended for one year".**

Moved by Commissioner Zich, seconded by Commissioner Colbert.

Commissioner Zich, Commissioner Colbert, Commissioner Tourje, Commissioner Russell, and Chair de Arakal provided supportive comments on the application.

RESOLUTION PC-19-34 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA, APPROVING ZONING APPLICATION 19-41, A MINOR CONDITIONAL USE PERMIT FOR LIVE ENTERTAINMENT AND DANCING FOR A PROPOSED RESTAURANT (CAFÉ SEVILLA) FOR THE TRIANGLE AT 1870 HARBOR BOULEVARD, SUITE A210

The motion carried by the following roll call vote:

Ayes: de Arakal, Colbert, Russell, Tourje, Zich
Noes: None
Absent: Harlan, Navarro Woods
Abstain: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – none.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – Mr. Preziosi provided an update that in October 2018 the League of California Cities along with the Coalition of California and other cities in other states filed a lawsuit challenging the FCC adoption of small cell regulations which are the bases for the City’s regulations and that the lawsuit has not been ruled on yet.

Commissioner Zich and Mr. Preziosi discussed whether the lawsuit includes the health effect concerns of small cells discussed by the residents.

ADJOURNMENT AT 7:31 PM

Chair de Arakal adjourned the meeting in memory of former City employee Mike Robinson.

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION