

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

July 22, 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 Colbert led the Pledge of Allegiance.

ROLL CALL

Present: Chair Byron de Arakal
Vice Chair Jeffrey Harlan
Commissioner Kedarious Colbert
Commissioner Carla Navarro Woods
Commissioner Dianne Russell
Commissioner Jenna Tourje

Absent: Commissioner Jon Zich

Staff: Barry Curtis, Director of Economic and Development Services
Jennifer Le, Assistant Director of Development Services
Tarquin Preziosi, Assistant City Attorney
Raja Sethuraman, Public Services Director
Mel Lee, Senior Planner
Katelyn Walsh, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

No public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Russell spoke about attending Costa Mesa Day at the Fair and acknowledged the leadership of Chair de Arakal and Barry Curtis, Economic and Development Services Department, with the OCPOLI-C group of the American Planning Association and for bringing together Planning Commissions from around the county to discuss best practices and zoning issues from a regional perspective.

Commissioner Colbert welcomed the new City Manager Lori Ann Farrell Harrison to the City.

Commissioner Navarro Woods spoke about her visit to the new Donald Dungan Library and the free lunch that Newport Mesa School District, in conjunction with the County of Orange Library, has been providing during the summer.

Chair de Arakal spoke about a meeting that the OCPOLI-C group of the American Planning Association had and thanked Commissioner Russell and Commissioner Tourje for attending it.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. ZONING APPLICATION 19-37, 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 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 replacement Southern California Edison streetlight pole located within public street right-of-way near 1541 Wintergreen Place. This item was continued from the May 8, 2019 and June 10, 2019 Planning Commission meetings.

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.

MOTION: Move that the Planning Commission move this item to date uncertain.

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

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Colbert, Navarro Woods, Russell, Tourje

Noes: None

Absent: Zich

Abstain: None

2. PLANNING APPLICATION 19-11 AND ZONING APPLICATION 19-20 FOR A CONDITIONAL USE PERMIT FOR A CULINARY EVENT SPACE IN AN EXISTING COMMERCIAL KITCHEN FACILITY; AND A MINOR CONDITIONAL USE PERMIT FOR A CAFE WITH MORE THAN 300 SQUARE FEET OF PUBLIC AREA AND OUTDOOR SEATING, AND A DEVIATION FROM PARKING REQUIREMENTS BASED ON UNIQUE OPERATING CHARACTERISTICS, FOR A MULTI-TENANT INDUSTRIAL BUILDING AT 350 CLINTON STREET, UNIT B

Project Description: Planning Application 19-11 and Zoning Application 19-20 is a request for the following:

1. Conditional Use Permit to allow special events (including private dinner parties, cooking classes, and other culinary events) within an existing commercial kitchen facility (The Hood Kitchen Space); and
2. Minor Conditional Use Permit to allow for a café with more than 300 square feet of public area in the MP (Industrial Park) zone and outdoor seating; and
3. Minor Conditional Use Permit to deviate from parking requirements for the site (required 188 spaces, proposed 184 spaces), based on unique operating characteristics.

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.

Katelyn Walsh, Assistant Planner, presented the staff report.

Commissioner Navarro Woods and Ms. Walsh discussed that Condition of Approval No. 12 is a standard condition when an applicant is applying for an alcohol license.

Commissioner Tourje and Jennifer Le, Assistant Director of Development Services, discussed the differences this proposed event space has versus other event spaces that the City has processed with a conditional use permit.

PUBLIC COMMENTS

Christie Frasier and Shelby Coffman, co-owners of the Hood Kitchen Space, introduced themselves. Ms. Frasier thanked staff for their help with the process and explained how their business came to be, what it offers and what it has accomplished.

Chair de Arakal asked if they have read the conditions of approval and agreed to them. Ms. Frasier responded yes.

Commissioners, Ms. Frasier, Ms. Coffman, and Ms. Walsh discussed the hours of operation; why the tenant improvement was not finalized; how many parking spaces there are for the kitchen and special events; whether they operate as a membership based business; whether they anticipate having special events occur simultaneously in the flex space and classroom; and that music will not be amplified at pop up events or dinner parties.

The Chair opened the item to public comments.

Sandra Hesspea, client of The Hood Kitchen Space, spoke in support of this item and how The Hood Kitchen Space has helped her business grow.

Barron Conway, client of The Hood Kitchen Space, spoke in support of the item.

Commissioners, Ms. Frasier, and Ms. Coffman discussed what patrons come to eat at the café, the hours it is open and their website address.

The Chair closed public 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) per CEQA Guidelines Section 15301, Existing Facilities; and approve Planning Application 19-11 and Zoning Application 19-20, subject to conditions of approval.

Moved by Vice Chair Harlan, seconded by Commissioner Colbert.

Vice Chair Harlan and Chair de Arakal spoke in support of the item.

RESOLUTION PC-19-37 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 19-11 AND ZA-19-20 FOR A CONDITIONAL USE PERMIT FOR A CULINARY EVENT SPACE IN AN EXISTING COMMERCIAL KITCHEN FACILITY; AND A MINOR CONDITIONAL USE PERMIT FOR A CAFE WITH MORE THAN 300 SQUARE FEET OF PUBLIC AREA AND OUTDOOR SEATING, AND A DEVIATION FROM PARKING REQUIREMENTS BASED ON UNIQUE OPERATING CHARACTERISTICS FOR A MULTI-TENANT INDUSTRIAL BUILDING AT 350 CLINTON STREET, UNIT B

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Colbert, Navarro Woods, Russell, Tourje

Noes: None

Absent: Zich

Abstain: None

The Chair explained the appeal process.

3. PLANNING APPLICATION 19-05 FOR A RESTAURANT EXPANSION WITH LIVE ENTERTAINMENT AT 1749 AND 1763 NEWPORT BOULEVARD

Project Description: Planning Application 19-05 is a request for the following:

1. Conditional Use Permit to allow the sale and service of alcoholic beverages for on-site consumption after 11 PM and the provision of live entertainment within 200 feet of a residential zone, in association with a restaurant. The proposed hours of operation are 7 AM to 2 AM seven days per week. The request also includes a proposal to increase the size of the existing 2,015-square-foot restaurant (formerly The Hub Restaurant) by expanding into the adjacent 1,200-square-foot retail tenant space (3,215 square feet total restaurant space is proposed). In addition, the proposal includes the expansion of the existing 1,309-square-foot outdoor dining patio by 128 square feet (1,437 square feet total outdoor dining patio area is proposed);
2. Minor Conditional Use Permit to allow the expanded dining patio within the required front landscape setback;
3. Variance from front setback requirements (20 feet required; 0 feet proposed) to allow construction of a structure (cover for the dining patio) within the front setback; and
4. Variance from on-site parking requirements (27 on-site parking spaces required; 14 on-site parking spaces proposed).

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.

Three ex-parte communications to report: Commissioner Colbert met with the applicant and restaurant operator on Thursday; Commissioner Navarro Woods was contacted by the applicant's agent but did not meet with him; and Chair de Arakal met with the applicant's representative last Friday and walked the site and asked questions.

Mel Lee, Senior Planner, presented the staff report.

Commissioners, Mr. Lee, and Raja Sethuraman, Public Services Director, discussed how many businesses along the same frontage have variances that expand into the public right-of-way; the extent of the encroachment; whether the proposed patio structure would be affected if the tree removal was not approved; how four parking spaces were taken away on the site; why staff did not recommend approval of 2 AM closure of the prior CUP for the Hub; whether the parking is considered legal non-conforming; whether wood burning outdoor pizza ovens are allowed; whether there are requirements for pedestrian separation between streets, buildings, and walkways; that the City has a project with Caltrans to widen Newport Boulevard to add a fourth southbound lane between 19th and 17th Streets; and whether there is a City requirement that if a tree is removed it has to be replaced.

Mr. Lee clarified that if tonight's conditional use permit is not approved the 16 legal non-conforming parking spaces would have to be restored.

PUBLIC COMMENTS

Garrett Green, applicant's representative, thanked the Commissioners that met him out at the property. He stated that he has read the conditions of approval and had a couple of questions. In Condition of Approval No. 5 – Mr. Green was wondering if what is out there now does not burden them and the third offense would have them close at midnight. In Condition of Approval No. 3 live entertainment shall cease to take place on the outside patio. Mr. Lee clarified that the bullet points in the condition would not take place until noise complaints were received. Mr. Green stated they are in agreement with the conditions.

Mr. Green spoke on the homeless issue that had occur on the patio area during previous uses at the site; explained what the objective is for the restaurant; that the patio enclosure is security for the restaurant.

Domenico Grillo, applicant, spoke on his restaurant history; what the new restaurant will bring to the City; explained what kind of music they will have; stated the he would be in agreement to have the hours of operation during the week till midnight and 1:30 AM or 2 AM on the weekends; and explained how the pizza oven operates.

Commissioners and Mr. Green discussed whether they reached out to anyone for a shared parking agreement and whether moving back the patio space so encroachment would not occur on public space was considered.

Mark Korando, Costa Mesa resident on Park Drive, stated concerns with the noise from the former tenants and asked that the new applicants be a good neighbor; spoke on noise factors; stated outdoor music has been a problem at this location and has impacted the neighborhood; stated concerns with Condition of Approval No. 3 being contingent upon complaints; and concerns with the sight distance when parking.

Cindy Black, who lives in the area, asked that alcohol not be allowed to be served until 2 AM; spoke on the noise impacts to the residential area nearby; stated concerns with Condition of Approval No. 3; and with staff's justifications for approval.

Mark Korando(not to be confused with the earlier speaker of the same name), Costa Mesa resident on Park Drive, stated concerns with the noise coming from the former tenants; stated that no amplified music should be allowed; and that acoustical music should have a limited time so the residents can have peace and quiet in the neighborhood.

Gary Monahan, Costa Mesa resident, spoke in support of the project; complimented staff on the staff report; and addressed the parking and noise concerns.

The Chair closed public comments.

Commissioners, Mr. Green and Mr. Grillo discussed whether the patio will have insulation to help with the noise; the kind of speakers that will be installed; the hours the applicant is willing to close during the weekdays, Sunday through Wednesday; about having a sign in the front stating that parking is available in the back; whether shared parking was discussed with the property owner two doors down; and the type of entertainment that will occur.

The Chair closed public comments.

The Chair re-opened the public hearing so the property owner of Roman Cucina could answer a question about the building area.

Katherine Young, property owner of Roman Cucina restaurant, stated that the restaurant is 3,300 square feet in area.

Commissioner Navarro Woods and Ms. Young discussed whether the restaurant goes to the property line; that the patio does not encroach onto City property; and what live entertainment occurred at the property.

The Chair closed public comments.

Commissioners and Mr. Lee discussed that the entire block on 1700 Newport Boulevard is under parked per code and that there are conditional use permits for parking deviations along the same street as the applicant, including Roman Cucina restaurant, which has the same building area.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission adopt a resolution to find that the project is exempt from the provisions of the California Environmental Quality Act

(CEQA) under CEQA Guidelines Section 15303, New Construction and Conversion of Small Structures; and approve with the following modifications Planning Application 19-05:

- Approve the sale and service of alcoholic beverages for on-site consumption after 11 PM.
- Approve live entertainment within 200 feet of a residential zone.
- Deny 7 AM to 2 AM seven days per week and retain the current conditions of approval on the subject property of 7 AM to 11 PM, Sunday through Wednesday; and 7 AM until 2 AM, Thursday, Friday, Saturday, and New Year's Eve.
- Approve increasing the size of the existing 2,015-square-foot restaurant by expanding into the adjacent 1,200-square-foot retail tenant space, 3,215 square feet total.
- Approve the expansion of the existing 1,309-square-foot outdoor dining patio by 128 square feet to 1,437 square feet.
- Approve Minor Conditional Use Permit to allow the expanded dining patio within the required front landscape setback;
- Approve variance from front setback requirements (20 feet required; 0 feet proposed)
- Approve variance from on-site parking requirements (27 on-site parking spaces; 14 on-site provided).

Condition of Approval No. 4 to read: The hours of operation shall be as follows: 7 AM to 11 PM, Sunday through Wednesday; and 7 AM until 2 AM, Thursday, Friday, Saturday, and New Year's Eve.

Moved by Chair de Arakal, seconded by Commissioner Russell.

Commissioner Colbert asked if the Chair would agree to add a signage condition that was discussed to the motion. Chair de Arakal agreed to add a signage condition that would direct patrons that there is parking behind the structure. Commissioner Russell agreed as well.

Condition of Approval No. 25 to read: The property shall be posted with signs directing customers and employees to park in the rear parking lot.

Commissioner Navarro Woods spoke in opposition to the motion.

Commissioner Tourje commented on the project.

Chair de Arakal explained why he is supporting the project.

Vice Chair Harlan spoke in opposition to the motion.

Commissioner Colbert commented on the project.

RESOLUTION PC-19-38 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 19-05, FOR A RESTAURANT EXPANSION WITH LIVE ENTERTAINMENT AT 1749 AND 1763 NEWPORT BOULEVARD

The motion carried by the following roll call vote:

Ayes: de Arakal, Colbert , Russell, Tourje

Noes: Harlan and Navarro Woods

Absent: Zich

Abstain: None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Sethuraman reported on the ongoing Caltrans project on the 405 Freeway.
2. Development Services Report – none.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – Tarquin Preziosi, Assistant City Attorney, announced that the Federal Court and Yellowstone versus the City of Costa Mesa reached a ruling on Yellowstone’s state law claim.

ADJOURNMENT AT 7:57 PM

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION