

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

**September 9, 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](http://www.costamesaca.gov) or purchased on DVD upon request.*

The Chair called the meeting to order at 6:00 PM.

Commissioner Navarro Woods 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  
Commissioner Jon Zich

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  
Nancy Huynh, Associate Planner  
Julie Colgan, Recording Secretary

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

Ann Parker, Costa Mesa resident, spoke on how the City of Newport Beach is trying to stick two homeless shelters on the west side of Costa Mesa; spoke on a meeting she had with an FBI agent; stated concerns with having group of paroles/fraternity house situations near a residential neighborhood; and stated that the mental health facility located off Redhill Avenue did not cause any problems for the neighborhood;

Chair de Arakal stated that Mayor Foley has sent a letter to the City of Newport Beach to discuss options for the proposed homeless shelters.

The Chair closed public comments.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

Carla Navarro Woods thanked staff for their work on the Costa Mesa Artventure and announced her resignation from the Commission.

Vice Chair Harlan thanked Commissioner Navarro Woods for her service.

Chair de Arakal spoke on the City's Artventure; thanked the people that were involved; wished Commissioner Navarro Woods the best; and thanked her for her service.

**CONSENT CALENDAR:**

A member from the public pulled Consent Calendar Item No. 1.

Chair de Arakal stated that he will be recusing himself from Consent Calendar Item No. 1 because his residence is within 500 feet of the property.

2. **GENERAL PLAN CONFORMITY RESOLUTION FOR THE PROPOSED VACATION OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT EASEMENT AT 1376 SOUTH COAST DRIVE**
3. **GENERAL PLAN CONFORMITY RESOLUTION FOR THE PROPOSED VACATION OF EXCESS CITY STREET RIGHT-OF-WAY LOCATED AT 480 EAST 19TH STREET**

**MOTION: Move approval of the balance of the Consent Calendar Items No. 2 and 3.**

**Moved by Vice Chair Harlan, seconded by Commissioner Zich.**

**RESOLUTION PC-19-43 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE VACATION OF THE ORANGE COUNTY FLOOD CONTROL DISTRICT EASEMENT AT 1376 SOUTH COAST DRIVE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN**

**RESOLUTION PC-19-44 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE VACATION OF EXCESS RIGHT-OF-WAY BY THE CITY OF COSTA MESA ADJACENT TO 480 EAST 19TH STREET 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, Harlan, Colbert, Navarro Woods, Russell, Tourje, Zich

Noes: None

Absent: None

Abstain: None

Chair de Arakal recused himself and left the Chambers.

1. **GENERAL PLAN CONFORMITY RESOLUTION FOR THE COUNTY OF ORANGE HEALTH CARE AGENCY'S PROPOSED USE AT 2801 BRISTOL STREET**

Jennifer Le, Assistant Director of Development Services, presented the staff report.

Commissioner Zich and Ms. Le discussed that the facilities off Redhill Avenue and Bristol Street are privately owned and County of Orange Health Care Agency leases them; whether Government Code Section 65402 applies to lease properties; the zoning for the Redhill Avenue facility is MP; that the Redhill Avenue facility did not have permits to operate because the County preempts local zoning control; that no public noticing is required since a General Plan Conformity finding is not a public hearing; staff looks at the compatibility of the use with the General Plan Land Use designation and the compatibility of the use with the goals and policies of the General Plan; the county is relocating their services to the new location from Redhill Avenue; and why the applicant is proposing to move.

Commissioner Navarro Woods spoke on the information that Tonya Trejio, real estate agent for the County, provided to her about why they are moving, will be staffed entirely by County employees, services provided, and who their patients are.

### **PUBLIC COMMENTS**

Richard Uruchurtu, VP of Operations for KlientBoost (2787 Bristol Street), stated concerns with the proposed business impacting the surrounding businesses and residential area; spoke on the negative experiences that have happened from the current rehab facility patients at the 2801 Bristol Street; and stated concerns with the location's proximity to bars.

Ann Parker, Costa Mesa resident, spoke on the legal issue that Windward Way (current occupant) is having; indicated that a lot of the sober living facilities are pretending be mental health facilities; spoke on how Jeremy Broderick from Windward Way was able to buy the property at 2801 Bristol Street and that it is not a well-run business; stated it is a bad idea to put a mental health facility in the same building as a rehab facility; spoke on issues that occurred at the Methodist Church off of 19<sup>th</sup> Street and Harbor Boulevard and the negative impact it has on the surrounding area; and stated concerns with the item being a consent calendar item and that it was not noticed.

Commissioner Zich and Ms. Le discussed whether Windward Way Recovery is an existing operation at 2801 Bristol Street; whether the county is leasing all of the building; and how the Redhill facility is compatible with the MP zone.

**MOTION: Move that the Planning Commission find that this conformity Resolution is not in conformance with the City's General Plan and not approve this item.**

**Moved by Commissioner Zich, seconded by Commissioner Colbert.**

Ms. Le asked for clarification on the motion that the motion would be to find the proposal not in conformance with the General Plan. Commissioner Zich responded that was correct.

Commissioner Zich stated concerns with the proximity of the proposed use to residential properties; that residents were not informed; and that there would be an over-concentration of this type of use in this area.

Commissioner Colbert stated concerns with the impact to the community and that no noticing was required to inform them; his belief that the use would change the dynamic of the community; his concern with potential parking impacts; his concern that the applicant was

not present to answer questions; and his concerns with long-term effects of the use on the area.

Vice Chair Harlan and Ms. Le discussed that in the City's zoning code the PDC zone (Planned Development Commercial) requires a minor conditional use permit for this use and in the past the County has used its pre-exemption authority and does not go through the local zoning process; and that this item is a use conformance issue that the Commission is deciding on tonight.

Commissioner Colbert and Ms. Le discussed that typically, when the County has pre-exemption authority, it does not go through local zoning process; instead, the County has a board of supervisors and any issues with the County happen at that level.

Commissioners, Ms. Le, and Tarquin Preziosi, Assistant City Attorney, discussed the next step for the County if it decides to use its pre-exemption authority in the event that Commissioner Zich's motion passes; whether that decision is appealable to the City Council; that whatever is decided at tonight's hearing does not have any legal effect on the County to continue the use; that the County is required by state law to request a General Plan conformity report from the City; whether there other options to have General Plan Conformity reports not under Consent Calendar; and what the City's options are to influence the decision on the County's proposed use.

**RESOLUTION PC-19-42 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE COUNTY OF ORANGE'S PROPOSED USE INCLUDING INDIVIDUAL AND GROUP COUNSELING AT 2801 BRISTOL STREET IS NOT IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN**

The motion carried by the following roll call vote:

Ayes: Colbert, Navarro Woods, Russell, Tourje, Zich

Noes: Harlan

Absent: None

Abstain: de Arakal

Chair de Arakal re-entered Chambers.

**PUBLIC HEARINGS**

**1. PLANNING APPLICATION 19-17 FOR A CONDITIONAL USE PERMIT TO ALLOW A RESTAURANT AND BAR WITH LIVE ENTERTAINMENT TO OPERATE AFTER 11 PM AT THE SHOPS AT MESA VERDE SHOPPING CENTER (1555 ADAMS AVENUE, SUITE 100)**

**Project Description:** Planning Application 19-17 is a request for a:

Conditional Use Permit to allow a new restaurant and bar (Kenwood's Kitchen and Tap) located within 200 feet of residentially-zoned property to operate after 11 PM with occasional live entertainment. The restaurant and bar proposes to operate until 2 AM on Fridays, Saturdays, and holidays. The restaurant and bar would operate until 11 PM on the remaining days of the week (Sunday through Thursday).

**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.

Two ex-parte communications to report: Chair de Arakal had a telephone conversation with Justin McCusker from C.J. Segerstrom and Sons and Vice Chair Harlan had a brief conversation with Justin McCusker from C.J. Segerstrom and Sons on this item.

The Chair stated that staff is asking that the Commission move a continuance of the item to Planning Commission meeting of September 23.

**MOTION: Move that the item be continued to Planning Commission meeting of September 23.**

**Moved by Chair de Arakal, seconded by Commissioner Colbert.**

The motion carried by the following roll call vote:

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

Noes: None

Absent: None

Abstain: None

#### **DEPARTMENTAL REPORT(S)**

1. Public Services Report – none.
2. Development Services Report – Barry Curtis, Economic and Development Services Director, thanked Commissioner Navarro Woods for her service.

#### **CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – Mr. Preziosi reported on the recent denials of So Cal Recovery's preliminary injunction motions to enjoin the enforcement of Costa Mesa sober living home ordinances pending trial in the matter and to seek attorney fees all of which means the City can continue to enforce the sober living home ordinances through trial.

#### **ADJOURNMENT AT 6:49 PM**

Submitted by:



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BARRY CURTIS, SECRETARY  
COSTA MESA PLANNING COMMISSION