

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

October 14, 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 PM.

Chair de Arakal led the Pledge of Allegiance.

ROLL CALL

Present: Chair Byron de Arakal
Vice Chair Jeffrey Harlan
Commissioner Kedarious Colbert
Commissioner Dianne Russell
Commissioner Jon Zich

Absent: Commissioner Jenna Tourje

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
Justin Arios, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Steven Chan, Costa Mesa resident, spoke on the noise coming from the businesses next to his residence.

The Chair closed public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Colbert spoke on national breast cancer awareness month.

Chair de Arakal spoke on the recent City Council study session about RHNA and commended staff for all their work.

CONSENT CALENDAR:

- 1. GENERAL PLAN CONFORMITY RESOLUTION FOR THE PROPOSED VACATION OF A PORTION OF AN EXISTING LANDSCAPE AND SIDEWALK EASEMENT ALONG THE AVENUE OF THE ARTS AT 3350 AVENUE OF THE ARTS**

MOTION: Move that the Planning Commission approve the consent calendar.

Moved by Vice Chair Harlan, seconded by Commissioner Russell.

The motion carried by the following roll call vote:

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

Noes: None

Absent: Tourje

Abstain: None

RESOLUTION PC-19-46 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE PROPOSED VACATION OF A PORTION OF A 25-FOOT SIDEWALK AND LANDSCAPING EASEMENT AT 3350 AVENUE OF THE ARTS IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2015-2035 GENERAL PLAN

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 (CUP) 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).

This item was continued from the September 9, 2019 and the September 23, 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 15301 (Class 1), Existing Facilities.

One ex-parte communications to report: Chair de Arakal had a conversation about this application with Justin McCusker from CJ Segerstrom and Sons.

Nancy Huynh, Associate Planner, presented the staff report.

Commissioners, Ms. Huynh, and Jennifer Le, Assistant Director of Development Services, discussed that there will not be any exterior speakers on the outside patio; that the adjacent

business does not have live entertainment; the location of the entry door that will be used for access from the interior dining to the outdoor patio during live entertainment; and whether the location is on one parcel with multiple APN's.

The Chair opened the Public Hearing.

PUBLIC COMMENTS

Ken Kenwood, applicant, stated that he has read the conditions of approval and agrees to them. He clarified that the east door will be the access door during live entertainment, not the north door.

Commissioner Zich and Mr. Kenwood discussed that the north door on the site plan is for deliveries and the east door will be the door that is used for access during live entertainment.

Steven Chan, Costa Mesa resident, stated concerns with the potential noise from the proposed bar that will affect the surrounding neighborhood and asked that the liquor license be looked at before conditioning the property.

Mr. Kenwood and Chair de Arakal discussed that Mr. Kenwood would be amendable to changing the hours of operation for live entertainment to Sunday through Thursday until 10 PM and Friday and Saturday until midnight.

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 19-17, based on the findings in Exhibit A and subject to conditions of approval in Exhibit B with the following modifications:

Condition of Approval No. 1 to read: "The restaurant and bar shall be limited to the type of operation described in the staff report, including the following:

- Hours of operations are from 11 AM to 11 PM on Monday through Thursday; 11 AM to 2 AM on Friday, Saturday, State and Federal holidays; and 9 AM to 11 PM on Sunday.
- The outdoor dining patio is permitted to open daily until 11 PM
- Last call for alcohol is at 10:30 PM on Sunday through Thursday and at 1:30 AM on Friday through Saturday, and State and Federal holidays.
- Live entertainment hours are limited until 10 PM on Sunday through Thursday and until midnight (12 AM) on Friday and Saturday.
- Live entertainment is limited to the interior dining space. Live entertainment includes live performances and pre-recorded music by a DJ (disc jockey) but no dance floor.
- The kitchen is to remain open and serve food until closing.

Any change in the operational characteristics including, but not limited to, hours of operation, sale of alcoholic beverages, or modification of the type of entertainment, will require approval of an amendment to the conditional use permit, subject to Zoning Administrator or Planning Commission approval depending on the nature of the change.

Commissioner Zich asked if the motion only changed the hours for the live entertainment not for the restaurant. Chair de Arakal responded yes.

Ms. Le asked if the motion included modifying Condition of Approval No. 2 to reference the east side door. Chair de Arakal responded yes.

Condition of Approval No. 2 to read: The live entertainment area shall be limited to the interior dining area only and shall not be permitted in the outdoor patio area. While live entertainment is underway, all doors of the business shall remain closed to prevent noise from spilling out to adjacent properties. In addition, access from the interior dining to the outdoor patio during live entertainment shall be limited to the entry door along the east side of the building.

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

The motion carried by the following roll call vote:

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

Noes: None

Absent: Tourje

Abstain: None

RESOLUTION PC-19-47 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING A CONDITIONAL USE PERMIT (PA-19-17) 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)

The Chair explained the appeal process.

2. ZONING APPLICATION 19-23 FOR A PLANNED SIGNING PROGRAM FOR THE ORANGE COUNTY FAIR AND EVENT CENTER LOCATED AT 88 FAIR DRIVE

Project Description: Zoning Application 19-23 is a request for a Planned Signing Program for the Orange County Fair and Event Center. Six new freestanding Light Emitting Diode (LED) signs are proposed, as well as three illuminated wall signs mounted to existing block walls to replace existing gate signage. All proposed signs are for the primary purpose of traffic support, wayfinding and gate identification.

Environmental Determination: The project is categorically exempt from the provisions of the CEQA under CEQA Guidelines Section 15311 (Class 11), Accessory Structures.

No ex-parte communications to report.

Justin Arios, Assistant Planner, presented the staff report.

Commissioners, Mr. Arios, and Tarquin Preziosi, Assistant City Attorney, discussed why the limit on hours of operation on sign D6 was not applied to sign D5 as well, since it is near residential; to what extent does the City have jurisdiction over the proposed signing program and recommended conditions of approval; and whether the State is conceding its land use authority with the requested signing program.

The Chair opened the public hearing.

PUBLIC COMMENTS

Jason Jacobson, Director of Technology and Production of the Orange County Fair and Event Center (applicant), stated he has read the staff report findings and conditions of approval and agrees to them. He explained why the Orange County Fair and Event Center is bringing the signing program before the Commission; explained the reason for the proposed signs; and the designs of the signs.

Commissioners, Mr. Jacobson, and Ken Kerns, Vice President of the Orange County Fair and Event Center, discussed the correspondence that was received from Vincent Pollmeier and the statements about the Board of the 32nd District Agricultural Association not seeing the plans for the signing program; where the power for the signs will be coming from; that the signs will be installed in phases; what specific recommendations the parking study had; explained that the reason the State is going through the City process is because there are signs that encroach onto City property; communications regarding the project that have occurred; whether the applicant would be willing to postpone the signing program so they can work with the Friends and Neighbors of the Orange County Fairgrounds about their concerns with the signing program; and whether any photometric study had occurred.

Jay Humphrey, Costa Mesa resident, stated concerns that the OC Fair Board has not heard the signing program; that no public input has been heard; and that there are no parking and transportation plans.

Vincent Pollmeier, Director of Friends and Neighbors of the Orange County Fairgrounds, stated concerns with the signing program plans not being presented to the Fair Board; suggested that the applicant get everything in order before the Commission takes action; and stated concerns with how the signs will help with traffic.

Reggie Mundekis, Friends and Neighbors of the Orange County Fairgrounds, stated concerns with the plans not being available until tonight's meeting; asked that the project be denied without prejudice so it can come back when it is more ready to go; stated that there are other projects happening at the fairgrounds that could impact the proposed signing program; and her concerns with the fairground's lack of outreach about this item.

Patrick Boil, Costa Mesa resident, stated that he will be directly impacted by this item; stated concerns with nighttime light pollution; asked that the other LED signs at the fairgrounds be subjected to the same restrictions and guidelines; and asked whether wind was considered when designing the sign heights.

Brian West, Costa Mesa resident, stated he would have like to have seen the traffic study attached to the staff report; suggested that there be a joint consultation done with the police department; that a photometric study should be a requirement on this item; hours of operation for the light should be seasonal or quarterly; and asked that this item be deferred until the photometric system is completed, the hours have been adjusted seasonally, and the Costa Mesa Police Department has had a chance to weigh in on this item.

Beth Refakes, Costa Mesa resident, stated concerns with this item being ready for approval; stated concerns that the OC Fair Board has not voted on this item yet; that there has been

no light study done yet; stated concerns with the City's logo on the signs; and with the lack of public outreach to the community.

Cynthia McDonald, Costa Mesa resident, spoke about bicycle safety; and how the proposed signs will impact the sight line for cars seeing bicyclist; and suggested removing the billboard in order to be able to see the new sign off of Newport Boulevard.

Ralph Taboada, Costa Mesa resident, stated concerns with the size of the signs; stated safety concerns for pedestrians, bicyclists, and motorists due to the large size of the sign base; stated concerns with the project's plans not being heard by the Fair Board before it came to the Commission; and other jurisdictional concerns.

Rick Huffman, Costa Mesa resident, stated that the Bikeway and Walkability Committee reviewed the signing program plans for safety issues at its last meeting and stated visibility concerns with the size of the signs off Newport Boulevard and Arlington Drive.

Jack Lucas, Costa Mesa resident, stated concerns with the sign height and the potential of Orange Coast College and Vanguard University to put in LED signs on their properties.

Mr. Jacobson and Mr. Kerns responded to public comments.

Commissioners and Mr. Kerns discussed whether the fairgrounds would be okay with continuing the item and whether would allow them to have meetings with the community.

Chair de Arakal stated that he would not be in support of the 25-foot sign for Gate 10 off Newport Boulevard due to the visual impact.

The Chair closed the public hearing.

Chair de Arakal and Mr. Preziosi discussed that the City's logo on the state-owned signs does not mean the City will have liability issues.

Mr. Preziosi explained the City's ability to exercise jurisdiction over state-owned properties.

Chair de Arakal and Mr. Preziosi discussed an MOU that could be drafted between the 32nd Agriculture District and the City should the City wish to approve the plans which would subject them by agreement to the City's jurisdiction and conditions of approval.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission continue this item to a date uncertain to give the applicant time to work with its board and other stakeholders in the community.

Moved by Commissioner Zich, seconded by Chair de Arakal.

Commissioner Zich, Commissioner Russell, and Chair de Arakal provided comments on the motion.

The motion carried by the following roll call vote:

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

Noes: None
Absent: Tourje
Abstain: None

DEPARTMENTAL REPORT(S)

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

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT AT 7:53 PM

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION