

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

November 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 6:03 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: Jennifer Le, Assistant Director of Development Services
Tarquin Preziosi, Assistant City Attorney
Bart Mejia, City Engineer
Johnwilly Aglupos, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

No public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Colbert thanked all that served for a late Veteran's Day announcement.

Chair de Arakal thanked Council Member Marr for her nomination to extend his term on the Planning Commission and City Council's support of the nomination. Chair de Arakal wished everyone happy Thanksgiving; spoke about Veteran's Day; acknowledged the shooting at Saugus High School; and stated that the meeting will be adjourned in their honor.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 19-22 AND TENTATIVE PARCEL MAP 2019-139 FOR A TWO-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2070 THURIN STREET

Project Description: A request for Design Review and a Tentative Parcel Map to allow the construction of two two-story 2,964-square-foot residential condominium units, each with an attached two-car garage and two open parking spaces.

Environmental Determination: The project is 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.

Johnwilly Aglupos, Assistant Planner, presented the staff report.

Commissioners and Jennifer Le, Assistant Development Services Director, discussed what improvements will be made on the site; why this parcel is a common interest development lot versus a lot split; whether there was a condition for an annual certification that the association will make to certify the garages are being used to park vehicles; and whether that was a common condition for this type of development.

PUBLIC COMMENTS

Walt Bushman, authorized agent, stated that he has read the conditions of approval and agrees to them.

Barrie Fisher, Costa Mesa resident, spoke on how CC&R's for garage parking and inspection have been used in the past for this type of development to stop people from using the garage as storage units.

The Chair closed the public comment portion of the hearing.

Chair de Arakal stated that in Condition of Approval No. 11 his preference would be to use pervious pavers. He and Ms. Le discussed the execution of the landscape plan under Condition of Approval No. 11.

Chair de Arakal asked Mr. Bushman if he would accept taking stamped concrete out of Condition of Approval No. 11 and replacing it with pervious pavers? Mr. Bushman stated he would be okay with that.

Chair de Arakal and Mr. Bushman discussed changes to the landscape plans to soften up the look along the brick veneer wall.

Commissioner Zich and Mr. Bushman discussed the roof slopes.

Commissioner Colbert and Mr. Bushman discussed that the property will be owner-occupied housing; maturity of the trees; and the exterior lights.

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 15303; and approve Planning Application 19-22 and Tentative Parcel Map 2019-139, subject to conditions of approval including those modifications requested by the Chair.

Conditions of Approval No. 11: “The driveway shall be finished with pervious pavers. The final landscape concept plan shall indicate the landscape palette (including providing additional shrubs and trees in front of the street-facing façade between the two units) and the design/material of paved areas, and the final landscape/hardscape plan shall be approved by the Planning Division prior to issuance of building permits”.

Moved by Vice Chair Harlan, seconded by Commissioner Zich.

Commissioner Colbert and Ms. Le discussed whether this project would cause a development trend with adjacent properties.

The motion carried by the following roll call vote:

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

RESOLUTION PC-19-48 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING A RESIDENTIAL DEVELOPMENT (PA-19-22) AND TENTATIVE PARCEL MAP 2019-139 FOR A TWO-UNIT RESIDENTIAL COMMON INTEREST DEVELOPMENT AT 2070 THURIN STREET

The Chair explained the appeal process.

2. PLANNING APPLICATION 19-18 FOR A CONDITIONAL USE PERMIT TO OPERATE AN INDOOR AXE THROWING FACILITY WITH ON-SITE VALET AT 2020 PLACENTIA AVENUE

Project Description: A request for a Conditional Use Permit to establish an indoor axe throwing facility with onsite valet parking and a Minor Conditional Use Permit to deviate from parking requirements due to 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.

Johnwilly Aglupos, Assistant Planner, presented the staff report.

Commissioner Zich and Ms. Le discussed whether the code allows general industrial businesses to operate 24/7 by right in this area; the CC&R's regarding noise that each owner signed before purchasing a unit in the Brickyard development next door; the source of the noise complaint received in 2018 and what was done to deal with it; whether the adjacent

auto repair shop will store vehicles that they are repairing; whether the 9 PM closure for the axe business means all customers are out of the building at that time; and whether closed doors in Condition of Approval No. 8 also requires the windows to be closed.

Commissioner Colbert and Ms. Le discussed what a live/work community is; noise violations that have occurred in live/work communities; and parking issues in the Mesa West area.

Chair de Arakal, Mr. Aglupos, and Ms. Le discussed whether staff was aware of this business prior to 2018; whether staff checked with Police Department on calls for service; Code Enforcement history; and whether the transportation division looked at the valet plan.

The Chair opened the public hearing.

PUBLIC COMMENTS

Jessie Fowler, applicant, deferred his presentation and answered questions.

Commissioner Russell and Mr. Fowler discussed safety protocols; how the axe experts trained; and alcohol consumption.

Commissioner Colbert and Mr. Fowler discussed the reasoning for not pursuing a permit initially; did they continue to operate after they received a complaint; parking challenges and whether valet will help out; and when the last game time will occur.

Commissioner Zich and Mr. Fowler discussed what the facility looks like; whether the entire property is under one lease; whether the auto body shop stores vehicles overnight on the property; and the agreement with the auto body shop to share parking spaces.

Commissioner Harlan and Mr. Fowler discussed circumstances when the body shop is closed on Sundays.

Chair de Arakal and Mr. Fowler discussed when the business was originally opened; the Yelp review timeline and when the business began operating; and that the other partners involved in the business did not know to apply for a permit to operate.

The Chair opened the public comment portion of the public hearing.

Lewis Jackwynn, Costa Mesa resident, stated concerns with the loud sound from the axe throwing; parking; how the valet parking will work; and location of the business.

Commissioner Zich and Mr. Jackwynn discussed which building he lives in next to the proposed property.

Barrie Fischer, Costa Mesa resident, stated concerns with the noise coming from the facility during operation when the door is open; noise from the valet parking; and stated concerns with the conditional use permit and minor conditional use permit running with the land if the applicant is only using this location for a test location.

Marc Perkins, Costa Mesa resident, what type of encouragement is provided for customers who walk or bike to the proposed business and there is not much lighting or signage leading to the front door.

Stephanie Rimer, Costa Mesa resident, stated concerns with the impact of noise on her neighborhood; spoke about when Code Enforcement came out to the property; stated concerns with parking; and questioned how alcohol consumption will be monitored and enforced.

Chair de Arakal and Ms. Rimer discussed what month and year Code Enforcement came out to the investigate the property.

David Hartley, Costa Mesa resident, stated concerns with the disregard that the applicant had to follow the process to open the business and with party busses coming to the business.

Ali Sadri, Costa Mesa resident, stated concerns with the noise that will come from the axe throwing, noise from after parties, and noise from the valet moving the cars around with the tight parking situation; and with the location being right next to a residential area.

Vice Chair Harlan and Mr. Sadri discussed how long he has lived there at his home; whether it is a live/work unit; and what the work unit is used for.

The Chair closed the public comment portion of the public hearing.

Chair de Arakal asked Mr. Fowler whether he has read the conditions of approval and agrees to them. Mr. Fowler responded yes.

The Chair and Mr. Fowler discussed whether food or beverage will be served; what will occur at the sitting bar; what have they been testing; and the written shared parking agreement with the auto dealership.

Commissioner Zich and Mr. Fowler discussed substituting the verbiage "when other onsite businesses are not in operation" with "no other businesses at this address shall be opened or operating at these times" in Condition of Approval No. 3. Mr. Fowler agreed to it.

Commissioner Colbert asked Mr. Fowler if he would agree to adding to Condition of Approval No. 3 that the last game will begin at 8:30 PM and no games will begin thereafter. Mr. Fowler responded yes. Commissioner Colbert and Mr. Fowler discussed if he will be moving the location or relocating it and whether he discussed with City staff the parking at other axe throwing businesses he had researched.

Commissioner Colbert and Ms. Le discussed what are the allowed uses for the northern part of the property and whether they would have similar noises to a general industrial property.

Chair de Arakal and Mr. Fowler discussed whether alcohol consumption was permitted when he was previously operating. Mr. Fowler responded that patrons were permitted to bring their own alcohol.

Commissioner Zich and Ms. Le discussed that the conditions of approval would run with the land and the property owner's role to make sure the conditions of approval are being followed. Vice Chair Harlan and Ms. Le discussed whether the CC&R's for Brickyard East also required the occupants to use the work unit as a work unit.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission deny approval of this application for a conditional use permit.

Moved by Commissioner Zich, seconded by Chair de Arakal for discussion.

Commissioner Zich stated concerns with the parking and the parking plan.

Chair de Arakal spoke in support of the motion and stated concerns with the parking.

The motion failed by the following roll call vote:

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

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 19-18, subject to conditions of approval with modification to Condition of Approval No. 3.

Moved by Commissioner Colbert, seconded by Commissioner Russell.

Commissioner Zich stated that he would like to substitute out in Condition of Approval No. 3 the phrase "when other onsite businesses are not in operation" and replace it with "No other businesses at this address other than AXT Throwing may be open or operating at the same time."

Both Commissioner Colbert and Commissioner Russell agreed to adding the revised language to Condition of Approval No. 3.

Condition of Approval No. 3 to read: "The hours of operation of the business shall be limited to between Tuesday through Saturday from 6 PM to 9 PM and Sunday and Monday from 11 AM to 9 PM, with the last game to start no later than 8:30 PM. No other businesses at this address other than AXT Throwing may be open or operating at the same time. Minor adjustments in the approved hours of operation that meet the intent of this condition may be granted with written approval of the Director of Development Services".

Commissioner Zich stated he will not be supporting the motion.

Vice Chair Harlan spoke in support of the motion.

Commissioner Colbert suggested addition of a solid-core door before the patrons would get to the check in area to reduce the noise.

The motion carried by the following roll call vote:

Ayes: Harlan, Colbert, Russell
Noes: de Arakal, Zich
Absent: Tourje

Abstain: None

RESOLUTION PC-19-49 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 19-18 FOR A CONDITIONAL USE PERMIT TO OPERATE AN INDOOR AXE THROWING FACILITY WITH ON-SITE VALET AT 2020 PLACENTIA AVENUE

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Bart Mejia, City Engineer, provided an update on the City-wide street rehabilitation program and alley repair program.
2. Development Services Report – none.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Tarquin Preziosi, Assistant City Attorney, announced that the court ruled in favor of the City and the County earlier this month and held that the Orange County needle exchange program failed to follow the State's rules under California Environmental Quality Act (CEQA).

ADJOURNMENT AT 7:54 PM

The Chair adjourned the meeting in memory and best wishes to all the students at Saugus High School.

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION