

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

FEBRUARY 24, 2020

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Zich led the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Jenna Tourje

Officials Present: Director of Economic and Development Services Barry Curtis, Assistant Director of Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, Contract City Engineer Bart Mejia, Assistant Planner Justin Arios, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Ann Parker, Costa Mesa resident, spoke about the group counseling item Zoning Application 19-83 located on the corner of Harbor Boulevard and Adams Avenue that the Commission approved; that the Commission did not do their homework on the group counseling item and listened to staff instead; on how the applicant for ZA-19-83 lied to the Commission; asked how come the Commission cannot tell when someone is lying to them; how she just came from the Federal Courthouse and the State lawyer lied and the Federal lawyer lied and asked why did we have a publicly elected official who knew 24 to 48 hours before our Congressmen, our State Assemblywoman Cottie Petrie Norris, Harley Rouda, and our mayor Katrina Foley, who is fighting this tooth and nail, how come he knew about this and did not tell anybody, he did not tell any public officials.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Perkins spoke regarding the City's monthly bike ride.

Commissioner Zich provided an update on the progress of the small cell ordinance.

Commissioner Russell reminded everyone that the City's Committees have openings to apply for.

Commissioner Colbert spoke regarding Proposition 13.

Vice Chair Harlan reminded everyone of tomorrow night's City Council study session on housing.

Chair de Arakal spoke regarding tomorrow's City Council study session and commended City officials and the City Council's quick response to the potential quarantine of coronavirus patients at Fairview Developmental Center.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 19-25 IS A REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW MODIFIED OPERATION OF AN EXISTING CHURCH USE (SADDLEBACK CHURCH) WITH A DEVIATION FROM PARKING REQUIREMENTS AT 1901 NEWPORT BOULEVARD

Project Description: Planning Application 19-25 is a request for a Conditional Use Permit to allow the continued operation of an existing church use (Saddleback Church) at the subject property. The proposal includes the addition of Suite 151 as a church administrative office, modified hours of operation to include weekday evening church services, as well as Saturday and Sunday church services throughout the day, and a request 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.

Justin Arios, Assistant Planner, presented the staff report.

Discussion ensued regarding the parking deviation requested; the condition of approval that required the applicant to reapply for a conditional use permit; that Suite LL101 is vacant; Condition of Approval No. 5; whether the bus stop near the church is operational; potential to install a crosswalk on the northern side of the intersection of 19th Street and Newport Boulevard; what justifications were used to not update the LSA parking study; when a parking study is updated; and why the original parking study is being relied on when there are 30 additional hours of operation proposed.

PUBLIC COMMENT

Randy Craft, Saddleback Church representative, stated he has read the conditions of approval and agrees to them.

Discussion ensued regarding whether to keep Condition of Approval No. 5; why the reapplication took a while; existing versus proposed church service hours; onsite security; that Mr. Craft would not be opposed to include a condition about reapplying for a conditional use permit; pedestrian connectivity; Mr. Craft would be in agreement to changing the bike rack; whether the CUP allows for other churches to operate services there; and that a

condition could be added that the private road to the Pacifica condo property would not be used by the church.

The Chair opened the public comments.

No public comments.

The Chair closed the public comments.

The Chair closed the public hearing.

MOVED/SECOND: Colbert/Zich

MOTION: Approve staff's recommendation with removal of the duplicate Condition of Approval No. 9 and a new condition of approval that the applicant return to the Commission in two years with an updated traffic study.

Chair de Arakal asked to add a condition that at no time the church should use the private access to the Pacifica condos for parking, pick up, drop off or any other church activities.

Commissioner Colbert and Commissioner Zich agreed to adding it to the motion.

Vice Chair Harlan and Ms. Le discussed when the Commission has asked an applicant to come back to the Commission for a traffic study.

Discussion ensued regarding who controls the private road on the western side of the property; whether verbiage could be added to Chair de Arakal's new condition that the church could use the private road if the Pacifica condo homeowner's association agrees to it; and the new condition that the applicant reapply in two years with a traffic study.

The motion did not include Commissioner Perkins addition.

Commissioner Zich commented on the project.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Tourje

Motion carried: 6-0

ACTION: The Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 19-25, subject to conditions of approval with the following modifications:

DELETED:

Condition of Approval No. 9: If parking shortages or other parking related problems arise, the applicant shall institute whatever operational measures are necessary to minimize parking plan approved by the Transportation Services Manager, modifying the number and times of

services, scheduling additional services, or canceling services that coincide with other scheduled events at the banquet facility and/or activities at the site.

NEW CONDITIONS ADDED BY COMMISSION:

Condition of Approval No. 18: The City grants this conditional use permit for a period of two (2) years from February 24, 2020 to February 24, 2022. The two (2) year approval period is generally consistent with the applicant's lease term at the Property. On February 25, 2022, whether or not the applicant extends the lease term, the approvals set forth herein shall have no further force or effect nor shall it require additional notice and/or hearing to terminate. Any operation beyond this period shall require a new application for conditional use permit, with an updated traffic study.

Condition of Approval No. 19: At no time shall the church use the offsite private access road along the western side of the property for parking, passenger loading, or any other church activities.

RESOLUTION PC-2020-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 19-25 FOR A CONDITIONAL USE PERMIT TO ALLOW A MODIFIED OPERATION OF AN EXISTING CHURCH USE (SADDLEBACK CHURCH) AT 1901 NEWPORT BOULEVARD, SUITES 100, 151, 177, 261 AND 271A

The Chair explained the appeal period

2. PLANNING APPLICATION 19-23 IS A REQUEST FOR DESIGN REVIEW FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT AT 1923 CHURCH STREET

Project Description: Planning Application 19-23 is a request for Design Review for a two-unit small lot subdivision residential development at 1923 Church Street. The proposed project involves the demolition of the existing single-family residence and garage on the site and the construction of two, two-story, 2,442-square-foot single-family residential units, each with an attached two-car garage and two open parking spaces, per the Small Lot Ordinance.

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.

No ex-parte communications to report.

Johnwilly Aglupos, Assistant Planner, presented the staff report.

Discussion ensued regarding what staff looks at when reviewing a Design Review application in terms of the aesthetics; why the need for a maintenance agreement; the maximum height allowed for the fence; the limitation regarding changes in grade of no more than 30-inches above the finished grade in Condition of Approval No. 7; zone for the property; and the potential zoning for the corner lot.

PUBLIC COMMENTS

James Hysten, applicant, stated he has read the conditions of approval and agrees to them. He spoke on other projects he has done and addressed Commissioners' concerns.

Discussion ensued regarding the design decision of having side entrances to the houses.

The Chair opened public comments.

Noel Perkins, Costa Mesa resident (Church Street), stated concerns with parking and spoke about the problems he is having with adding a bedroom to his house.

Todd Martin, Costa Mesa resident (Church Street), spoke in support of the design but stated concerns with density and parking.

The Chair closed public comments and public hearing.

Vice Chair Harlan stated concerns with the design of the project effecting the vitality of the street life and the long-term effect on the development in the City.

The Chair reopened the public hearing so the applicant could provide closing comments and address any concerns.

James responded to public comments and Vice Chair Harlan's concerns.

The Chair closed the public hearing.

Commissioner Zich commented on what he liked about the project and his concerns about the renderings.

MOVED/SECOND: Zich/Russell

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Tourje

Motion carried: 6-0

ACTION: The Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303 (Class 3), New Construction; and
2. Approve Planning Application 19-23, subject to conditions of approval.

RESOLUTION PC-2020-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 19-23 FOR A TWO-UNIT SMALL LOT SUBDIVISION RESIDENTIAL DEVELOPMENT IN THE R2-MD ZONE FOR PROPERTY AT 1923 CHURCH STREET

Commissioner Russell, Commissioner Perkins, Vice Chair Harlan, Chair de Arakal and Commissioner Colbert spoke in support of the motion.

Commissioner Zich commented on the City's parking guidelines.

The Chair explained the appeal process.

3. A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE (CODE AMENDMENT CO-2020-01) TO ADD AND AMEND ARTICLE 4 TO CHAPTER XII OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE (PLANNING, ZONING AND DEVELOPMENT), THAT ESTABLISHES A NEW OPEN SPACE AND PUBLIC PARK IMPACT FEE PURSUANT TO MEASURE Z

Project Description: Code Amendment CO-2020-01 would add and amend Article 4 to Chapter XII of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development), establishing a new open space and public park impact fee pursuant to Measure Z.

Environmental Determination: The ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) (General Rule Exemption).

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

Discussion ensued regarding missed park development fee opportunities; why the drafted Article 4 is not suitable for codification in the Zoning Code; the current fees for Open Space and Public Park Impacts fees; that the \$1.50 per square foot maximum amount came from the Measure Z initiative and staff cannot change it; that the fees from Measure Z are additional fees; whether the Open Space & Recreation Advisory Committee will be established; what the fees will be used for in the City; when the Fairview Developmental Center will be closed and will the site be used in the future for affordable housing needs; what active and passive recreational uses at the Fairview Development Center could be recommended; whether the Commission could revise the language for the Committee formation; Commissioner Colbert wanted to add "and or softball" in the youth baseball organization representative language to ensure that it is not inclusively male dominant in the representation for the sports organizations; reason behind changing the timing when the applicant has to pay the impact fee; and the legal reason for the timing to collect the impact fee.

PUBLIC COMMENTS

The Chair opened public comments.

No public comments.

The Chair closed public comment.

Discussion ensued regarding what the Quimby Act is and what fees will be updated in the comprehensive update of the Citywide fee schedule.

MOVED/SECOND: Russell/Harlan

MOTION: Move staff's recommendation as written.

Commissioner Zich spoke in support of change the timing to collect the fees and spoke in support of the motion.

Chair de Arakal spoke in opposition the motion and Measure Z.

Vice Chair Harlan spoke on the item.

Discussion ensued regarding whether the Commission can abstain from the vote.

The motion carried by the following roll call vote:

Ayes: Perkins, Russell, Zich

Nays: de Arakal

Abstained from the vote: Harlan, Colbert

Absent: Tourje

Motion carried: 3-1-2-1

ACTION: The Planning Commission adopt a Resolution to:

1. Find that the project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) (General Rule Exemption);
2. Recommend that the City Council give first reading to an Ordinance approving Code Amendment CO-2020-01; and
3. Codifying the Open Space and Public Park Impact Fee provisions pursuant to Measure Z.

RESOLUTION PC-2020-07 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE (CODE AMENDMENT 2020-01) ADDING AND AMENDING ARTICLE 4 OF CHAPTER XII OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE AS ADOPTED BY SECTION 5 OF MEASURE Z, THE COSTA MESA MEASURE FOR SENSIBLE COMMUNITY DEVELOPMENT AND DEVELOPMENT-FUNDED OPEN SPACE AND RECREATION, RELATING TO THE OPEN SPACE AND PUBLIC PARK IMPACT FEE

Commissioner Perkins left the meeting at 8:21 PM.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Mejia spoke regarding the Adams Avenue Improvements Project community meeting on February 26, 2020.
2. Development Services Report – Mr. Curtis spoke regarding the release of the One Metro West project's environmental impact report and on tomorrow night's City Council Special Study Session on housing.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Mr. Preziosi spoke on the ruling of Judge Staton extending the City's restraining order against the Federal Government and the State of California.

ADJOURNMENT AT 8:24 PM

Chair de Arakal adjourned the meeting in honor and memory of Kobe and Gigi Bryant.

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION