

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

**June 8, 2020**

**CALL TO ORDER**

The Chair called the Zoom webinar meeting to order at 6 PM and read a brief statement into the record regarding COVID 19 and how the public can participate in the meeting.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Chair de Arakal 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 Jenna Tourje, Commissioner Jon Zich

Officials Present: Director of Economic and Development Services Barry Curtis, Assistant Director of Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, Public Services Director Raja Sethuraman, Interim City Engineer Bart Mejia, Transportation Services Manager Jennifer Rosales, Senior Planner Mel Lee, City Clerk Brenda Green, and Recording Secretary Julie Colgan

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

None.

The Chair closed public comments.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Russell spoke about a demonstration at Triangle Square she attended and about how the City Council and staff have a commitment to both social justice and free speech; on current legislation about having a national police misconduct registry; and read a quote from Harley Rouda.

Commissioner Zich spoke on how it is the time to listen and not debate.

Commissioner Tourje spoke on protest she attended over the weekend; on gentrification; that we do not confront the history of racial segregation that is built into City's policies; racial inequality and how it relates to Planning Commission; and how zoning historically has put segregation into policy.

Commissioner Colbert talked about fighting against racism; an experience he had with the Costa Mesa Police Department while exercising; explicit bias; need to use our powers to create

solutions; spoke on how he is committed to build a better community that serves us all in an equitable manner; and recommended books by Ibram Kendi and Richard Rothstein.

Commissioner Perkins spoke on how he would like to form a subcommittee of Planning Commission to immediately investigate how systemic and inequality is integrated into the City Planning Commission related policies, procedures, and codes with a mandate to do public outreach and come up with concrete solutions that could be proposed to City Council or at the public at an election to work towards rectifying racial, economic, and other forms of inequality in the City that are related to Planning Commission topics. He would like to agendize this topic at the next meeting.

Vice Chair Harlan spoke on how the City has people who are committed and passionate that want to see justice and the City budget is an important policy document that sets the standards for moving forward in years to come.

Chair de Arakal spoke about racism in our country; supports that the City laws are written in a way for equal justice for all; supports Commissioner Perkins request for a subcommittee; commended the way the City's Police Department handle the recent protest in the City; and spoke on housing equal opportunity for all people that reside in the City.

Mr. Curtis explained the process of forming a subcommittee.

Chair de Arakal and Mr. Curtis discussed that the subcommittee could be considered at the next meeting.

#### **CONSENT CALENDAR:**

None.

#### **PUBLIC HEARINGS**

- 1. PLANNING APPLICATION 20-03, A CONDITIONAL USE PERMIT TO ALLOW AN EXISTING SERVICE STATION AND MINI-MARKET (CHEVRON/EXTRA MILE) TO OPERATE UNDER A STATE ALCOHOLIC BEVERAGE CONTROL LICENSE TYPE 20 (OFF-SALE BEER AND WINE) CONCURRENT WITH THE SALE OF MOTOR VEHICLE FUEL WITH A FINDING OF PUBLIC CONVENIENCE OR NECESSITY AT 3000 FAIRVIEW ROAD**

**Project Description:** Planning Application 20-03 is a request for a Conditional Use Permit to allow the sale of alcoholic beverages for off-site consumption pursuant to a State Alcohol and Beverage Control (ABC) License Type 20 (Off-Sale Beer and Wine) in conjunction with the sale of motor fuel for an existing service station and mini-market (Chevron) located at 3000 Fairview Road. The applicant is also requesting a Finding of Public Convenience or Necessity (PCN) pursuant to State ABC regulations. The sale of beer and wine is proposed between the hours of 6 AM to 12 midnight daily (the existing service station is open 24 hours).

**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.

Mel Lee, Senior Planner, presented the staff report and stated that two correspondences were received this afternoon, one for the project and one opposed to the project.

Discussion with Commission and staff ensued on if the application has to have both finding and necessity of public convenience; the current over concentration of off-sale licenses in the census tract and the reason why an additional license cannot be added; code enforcement issues; why the original application in 1998 was denied; when other off-sale licenses in the census tract were acquired; similar potential applications for alcohol sales in this area; whether there were any community impacts in the area from the businesses with off-sale licenses; noticing requirements for this type of application and how many notices were mailed out; census tract map for the area that shows the location of existing ABC licenses; Condition of Approval No. 3 - that the applicant will need to purchase a Type 20 ABC license from an over concentrated census tract; the potential hazardous waste in the area had been mediated; Type 20 ABC license associated with the Wild Water car wash; this application getting an ABC license is contingent on acquiring one from a business in the census tract that has an existing license; and the conditional use permit will be valid for two years;

#### **PUBLIC COMMENTS**

Applicant team: Steve Rawlings (applicant), Asuncion Lauren (Chevron Corporate), and Aaron Brumley (Chevron District Manager)

Mr. Rawlings stated that he has read and agrees with the conditions of approval and responded to Commissioner's questions.

Discussion with the Commission and applicants ensued on whether the applicant has identified another business that will transfer their ABC license; what is the convenience and necessity requirement or an ABC license; any signage or promotion of the products will occur; and Chair de Arakal stated that he wants the conditions to specify including interior and external surveillance system.

Comments by telephone:

Bruce Krochman spoke in support of the item.

The Chair closed public comment.

The Chair closed the public hearing.

**MOVED/SECOND:** de Arakal/Zich

**MOTION:** Move staff's recommendation and determine that a public convenience and necessity finding is appropriate, and moving the approval Planning Application 20-03, per the findings and conditions of approval with clarification that conditions of approval for the surveillance cameras cover both the interior of the mini mart and the exterior of the property.

Chair de Arakal and Commissioner Zich commented on the item.

The motion carried by the following roll call vote:  
Ayes: de Arakal, Harlan, Colbert, Perkins, Russell, Tourje, Zich  
Nays: None  
Absent: None  
Motion carried: 7-0

**ACTION:** The Planning Commission:

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;
2. Make a Finding of Public Convenience and Necessity (PCN), as appropriate; and
3. If the Planning Commission determines that a PCN finding is appropriate, adopt a Resolution to approve Planning Application 20-03, subject to conditions of approval with the following revised condition.

**REVISED CONDITIONS:**

**Condition of Approval No. 12:** Operator shall provide 24-hour security camera surveillance of the interior of the building and the exterior, including the parking area and service station pumps, capable of archiving a minimum of 30 days of stored video footage, made available to the Costa Mesa Police Department upon demand.

**RESOLUTION PC-2020-16 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 20-03, A CONDITIONAL USE PERMIT TO ALLOW TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-SITE CONSUMPTION PURSUANT TO A STATE ALCOHOLIC BEVERAGE CONTROL LICENSE TYPE 20 (OFF-SALE BEER AND WINE) IN CONJUNCTION WITH THE SALE OF MOTOR VEHICLE FUEL WITH A FINDING OF PUBLIC CONVENIENCE OR NECESSITY (PCN) AT AN EXISTING SERVICE STATION AND MINI-MARKET (CHEVRON/EXTRA MILE) LOCATED AT 3000 FAIRVIEW ROAD**

The Chair explained the appeal process.

**NEW BUSINESS:**

**1. UPDATE REGARDING CITY COUNCIL ACTIONS TO ASSIST RESTAURANTS UNDER COVID-19**

Barry Curtis, Economic and Development Services Director, presented the staff report.

Discussion with Commissioner and staff ensued on the reason for outdoor dining on private property not needing City approval; whether any applications have been received that need City approval; ordinance implementation process; urgency ordinance criteria; what safety issues will be looked at if a business's outdoor seating crosses an active drive aisle; add a recommendation that some of the parking be replaced with temporary bicycle parking; encroachment permit process; who will be exploring the pilot areas in the public right of ways; what kind of actions the City is undertaking to help local restaurants; plans to collect data to measure the success of assisting restaurants; City measures to encourage biking and walking to the restaurants; and the process to extend the urgency ordinance pass the 180 days that Council approved.

**PUBLIC COMMENTS**

No public comments.

The Chair closed public comments.

Chair de Arakal suggested monitoring how well the urgency ordinance is working.

**MOVED/SECOND:** de Arakal/Perkins

**MOTION:** Move to receive and file.

The motion carried by the following roll call vote:

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

Nays: None

Absent: None

Motion carried: 7-0

**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 8:11 PM**

Submitted by:

  
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JENNIFER LE, SECRETARY  
COSTA MESA PLANNING COMMISSION