

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

August 10, 2020

CALL TO ORDER

The Chair called the Zoom webinar meeting to order at 6 PM.

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: Acting Director of Economic and Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, Interim City Engineer Bart Mejia, Assistant Planner Chris Yeager, City Clerk Brenda Green, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

Chair de Arakal read a brief statement into the record regarding COVID-19 and how the public can participate in the meeting.

PUBLIC COMMENTS:

Yefim Tsalyuk spoke about how he is the applicant on for the second public hearing item and is available for questions.

The Chair closed public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Colbert spoke on the passing of Congressman John Lewis; read a quote from John Lewis; thanked Mr. Curtis for his leadership; and spoke on how the City is largely lead by women now.

Commissioner Russell spoke on filling out the census form; supporting restaurants; and on rethinking how the City does public spaces to be more like al fresco restaurants.

Vice Chair Harlan welcomed Ms. Le to her new role as acting Director of Economic and Development Services and is looking forward to working with her.

Chair de Arakal complimented staff on all the hard work they have been doing in processing outdoor permits for City's restaurant operators; asked whether the letter about forming a Human Relations and Equity Committee had been transmitted to the City Council; and spoke on looking forward to working with Ms. Le.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

Chair de Arakal announced that staff has requested that the Commission continue Pubic Hearing Item No. 3.

3. PLANNING APPLICATION 20-08 FOR A CONDITIONAL USE PERMIT TO ALLOW A TATTOO PARLOR AT 1775 NEWPORT BOULEVARD, SUITE A

Project Description: Planning Application 20-08 is a request for a Conditional Use Permit to allow Gold Rush Tattoo to relocate from its existing location at 1779 Newport Boulevard, Suite B, into a 1,700-square-foot suite in an existing one-story, multiple tenant commercial building located on the adjoining property at 1775 Newport Boulevard, Suite A.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

MOVED/SECOND: de Arakal/Colbert

MOTION: Continue the item to a date uncertain.

The motion carried by the following roll call vote:

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

Nays: Perkins

Absent: None

Motion carried: 6-1

ACTION: Planning Commission continued the item to a date uncertain.

1. ZONING APPLICATION 20-15 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW A COUNSELING USE AND TO DEVIATE FROM PARKING REQUIREMENTS FOR AN INDIVIDUAL AND GROUP COUNSELING USE LOCATED AT 711 WEST 17TH STREET, SUITE D-5

Project Description: Zoning Application 20-15 is a request for a Minor Conditional Use Permit to allow an office use with group counseling services in an MG zone, as well as to deviate from parking requirements due to unique operating characteristics. The office is proposed to occupy an existing 1,406-square-foot suite in a multi-tenant building. Counseling services would be offered during normal business and evening hours.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Ms. Colgan stated that a total of eight public comments that have been provided to the Commission and made a part of the record.

No ex-parte communications to report.

Chris Yeager, Assistant Planner, presented the staff report.

Discussion with Commission and staff ensued on why this application required a minor conditional use permit; general office use in industrial areas is a more common occurrence; City's parking requirements; why a parking study was not required; whether there are other parking deviations granted for uses within the development; Condition of Approval No. 3 is based upon four parking spots; three to four offices within the suite would be empty during normal business hours and group counseling would not be allowed until after 5 PM; having group counseling have its own designated use in the City's Zoning Code; whether there has been code enforcement cases at the applicant's current location in the City; what other offices at the site allocated their parking spaces for the applicant; bus line hours in the area; gross floor area calculation; how many people did staff calculate as a part of in group counseling; maximum occupancy allowed in a room per fire code and is that included in the conditions of approval; year the structure was built; reserved and unreserved parking at the site; and what the applicant options if the parking agreements with the adjacent suite owners terminate.

The Chair opened the public hearing.

PUBLIC COMMENT

Dr. David Welch, applicant, spoke on his current business that operates in the City; how it operates; and what services it provides. He disagrees with Condition of Approval No. 3 and ask that the Commission amend it to allow group counseling during the day. Mr. Welch identified the time of day the counseling services would end.

Commission, staff, and Dr. Welch discussed his current business square footage; how many patients are seen in one day; how many clients could be included in a group; garage parking is included with parking count and no extra charge for the garage space; how the transportation service works; how Dr. Welch came up with 148 unreserved spaces within the complex and he confirmed the number with the property owner; number of individuals at the site at one time; the adolescent program; whether the garage space is included in the square footage count of the unit; arrival times for the adolescent clients; prescription drugs are not a part of the service; where the other medical program provider for adolescents with substance abuse issues is located; why there are only two providers for this specific medical program for adolescents in Orange County; when Dr. Welch was aware of Condition of Approval No. 3 restricting group counseling after 5 p.m.; group designation of two or more is a medical determination and group counseling is for substance abuse only; group counseling in the staff report intended the group to be more than two people; and Dr. Welch explained that he would like to run groups of two to five people during the day.

The Chair opened for public comments.

William Fowler, co-owner of Unit D-4 at property location, stated that he withdraws their parking agreement with Dr. Welch because he did not realize that it was a permanent commitment and asked to defer the approval of the application to better understand if the parking agreement commitment was essential to the proposed business.

David Purcell, Unit A-1, stated that he has been there twenty-five years; adheres to the CC & R's; and that it is a wonderful place to do business because they follow the rules of parking.

Sara Rollins, property owner of one of the properties in the area and a Costa Mesa homeowner, stated concerns with there being adequate parking at the site; with what the actual rentable square footage of the property is and that causes the parking requirement to not be accurate; with the fire exit for the proposed unit; issues the rehab facility clients could cause to the surrounding neighborhoods; and the business's website information for the actual hours of the outpatient substance abuse program counseling services compared to those stated by Dr. Welch.

Michael Crossley, Unit H-1 property owner, spoke on the homeless problems in area; that the parking is important to all the owners; property value issues; kitchens are not allowed; people coming in all hours of the night and no one there to monitor the area; and asked about consequences if the applicant is in violation of the agreement.

Chair de Arakal clarified that all conditional use permits can be called up for review if a violation occurs.

Charles Rollins, property owner at Mesa Business Center, stated concerns with a discrepancy in the office space square footage; questioned counting two of the parking spots on property because of the difficulty being able to actually fit two cars in the parking spots; with the potentially losing the guest parking spots along 17th Street when it is widen; potential industrial noise conflict from the other units; spoke on other office parks that are a better fit for this application; and asked to deny this application.

The Chair closed the public comment.

Dr. Welch responded to public comments.

Chair de Arakal and Dr. Welch discussed how group counseling is done telephonically; that Dr. Welch's current space on Bristol Street is smaller than the proposed location; maximum clients per day; and anticipates turning it more to in person counseling services after the COVID situation is over.

Mr. Yeager clarified that Condition of Approval No. 3 was drafted when staff was aware of the additional parking coming from Suite D-6 and before any other additional parking or garage parking was discussed; a full kitchen would not be permitted in the space; the proposed space may require an occupancy change and a requirement would be that any tenant improvements obtained meet all required codes.

Chair de Arakal and staff discussed whether kitchens are allowed in the MG Zone according to the City's code; what constitutes a kitchen; how the City defines gross square footage; and how staff came to the conclusion that the parking requirements were met.

The Chair closed the public hearing.

The Chair re-opened the public hearing.

Discussion with the Commission and Dr. Welch ensued on the timing issue Dr. Welch mentioned in his applicant letter; reason for choosing the proposed location that is in an industrial zoned area; Dr. Welch clarified that he mislabeled having a kitchen on floor plan; whether Dr. Welch's position is to still have Condition of Approval No. 3 modified by the

Planning Commission; that urine and saliva testing does occur onsite; and that the reason for moving locations is the need for a larger space due to COVID requirements.

The Chair closed the public hearing.

MOVED: Zich

MOTION: Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301, Existing Facilities; but move that the Planning Commission not approve Zoning Application 20-15 because the nature of this business as we have learned tonight is different than what has been analyzed and even the analysis was looking for an exception to parking, What we learned tonight puts additional pressure on that parking. What we learned tonight is adjacent property owners not willing to provide the support of their parking that they initially thought they could and as much as I like to see businesses succeed we are not in the wishing and hope business and the analysis here says this is not a fit.

The Chair offered a substitute motion.

MOVED/SECOND: de Arakal/Russell

SUBSTITUTE MOTION: Move to continue the item to the first meeting in September.

Commissioner Russell commented that more outreach should be done to the President of the ownership organization to get more support from the neighbors and clear up some of the questions about how many people will be there, when they are going to be there, and how they get there.

Commissioner Perkins, Commissioner Tourje, and Commissioner Zich spoke in support of the substitute motion.

Commissioner Colbert asked whether Dr. Welch could provide a comment on whether the continuance would cause him any issues.

Discussion with Commission and Dr. Welch ensued on whether the continuance to first meeting in September would work for him and whether Condition of Approval No. 3 has to be changed.

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: Planning Commission continued the item to the September 14, 2020 meeting.

The Commission took a break at 8:14 PM.

The Commission reconvened at 8:21 PM.

2. PLANNING APPLICATION 20-06 AND TENTATIVE PARCEL MAP 2020-113 FOR A CONVERSION OF TWO EXISTING BUILDINGS AT 265 BRIGGS AVENUE INTO A NON-RESIDENTIAL COMMON INTEREST DEVELOPMENT

Project Description: Planning Application 20-06 is a request for a Conditional Use Permit for the conversion of three industrial tenant spaces to a three-unit subdivision (industrial condominium) with ancillary common ownership areas such as the parking lot and landscaping. Parcel Map 2020-113 is required to establish an industrial condominium.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities and 15315 (Class 15), Minor Land Divisions.

No ex-parte communications to report.

Commissioner Colbert recused himself at 8:24 PM due to living within 500 feet of the property.

Chris Yeager, Assistant Planner, presented the staff report.

Discussion with the Commission and staff ensued on that the reduction in the FAR was proposed by the applicant and that Condition of Approval No. 5 is not understandable as stated.

The Chair opened the public hearing.

PUBLIC COMMENTS

Applicant's team: Yefim Tsalyuk, ITF & Associates, and Mark Moshayedi, property owner.

Mr. Moshayedi answered Commissioner Perkins question on the reason that the FAR was reduced; explained what work will be done to the building; and the reason for separating the building into separate units.

The Chair opened public comments.

No public comments.

The Chair closed the public comment.

Ms. Le clarified the wording in Condition of Approval No. 5.

Chair de Arakal and Ms. Le discussed whether the City has a formal climate action plan and Chair de Arakal spoke on how conditions should be requirements and not to encourage to or recommend.

The Chair closed the public hearing.

MOVED/SECOND: de Arakal/Harlan

MOTION: Move staff's recommendation.

Commissioner Perkins stated concerns on how this application had to reduce usable square footage to meet the City's code on FAR.

The motion carried by the following roll call vote:
Ayes: de Arakal, Harlan, Perkins, Russell, Tourje, Zich
Nays: None
Absent: None
Recused: Colbert
Motion carried: 6-0

ACTION: Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities and 15315 (Class 15), Minor Land Divisions; and
2. Approve Planning Application 20-06 and Tentative Parcel Map 2020-113 to facilitate a non-residential common interest development conversion, subject to findings in Exhibit A and conditions of approval in Exhibit B.

RESOLUTION PC-2020-19 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 20-06 AND TENTATIVE PARCEL MAP 2020-113 FOR A CONVERSION OF TWO EXISTING BUILDINGS AT 265 BRIGGS AVENUE INTO A NON-RESIDENTIAL COMMON INTEREST DEVELOPMENT

The Chair explained the appeal process.

Commissioner Colbert came back to the meeting at 8:38 PM.

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 8:39 PM

Submitted by:



JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION