

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

September 14, 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 Marc Perkins, Commissioner Dianne Russell, Commissioner Jenna Tourje, Commissioner Jon Zich

Absent: Commissioner Kedarious Colbert

Officials Present: Acting Director of Economic and Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, City Attorney's office Scott Porter, Interim City Engineer Bart Mejia, Principal Planner Mino Ashabi, Assistant Planner Johnwilly Aglupos, 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:

No public comments.

The Chair closed public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Tourje spoke on SCAG's Go Human campaign safety demonstration project in the City's Westside.

Commissioner Perkins spoke on three different temporary traffic demonstrations that were installed along West 19th Street by volunteers from the Costa Mesa Alliance for Better Streets and thanked City Staff and Council Members that were involved.

Commissioner Russell spoke on the California fire and thanked the firefighters; and spoke on the temporary traffic demonstrations along West 19th Street.

Vice Chair Harlan spoke on the current strange times with the pandemic, civil issues, wild fires, and schools reopening early.

Chair de Arakal spoke on a tragic car accident that Costa Mesa High football coach Jimmy Nolan and his family were involved in and stated options to help out the people involved in the accident.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. 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. This item was continued from the August 10, 2020 Planning Commission meeting.

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

Ms. Colgan stated that a total of ten public comments had 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 what if any conditions of approval for this application differ from those the applicant has at his current location; whether the Lawson Family Trust owns any immediate buildings in the surrounding area; what actions were taken against the illegal business operating in the proposed location; and the circumstances where the conditional use permit at the applicant's current location could be revoked.

The Chair opened the public hearing.

PUBLIC COMMENT

Colin Dowling, applicant, stated that he has read the staff report and agrees to the conditions of approval. He explained the reason behind moving his business to a new location.

Discussion with Commission and Mr. Dowling ensued regarding who is the property owner of the current business location and whether the operator at the proposed location has vacated.

The Chair opened the public comment portion of the hearing.

Stacy Crouse spoke in support of the item.

Glenn Verdult stated concerns with the police raids that occur with the current tenant at the proposed location; with the parking; and with keeping it a clean operation.

Thomas McIntosh, Mr. Dowling's representative, spoke in support of granting Mr. Dowling the CUP.

Richard Ross spoke in support of the item.

Tim Shanwin spoke in support of the item.

Discussion ensued with the Commission and Mr. Dowling that legal proceedings would occur if the current tenant does not vacate the proposed property.

Mr. Dowling provided closing comments.

The Chair closed the public comments.

Commission and staff discussed that there is one other illegal dispensary and one other tattoo establishment in the same shopping center.

The Chair closed the public hearing.

MOVED/SECOND: Zich/de Arakal with discussion.

MOTION: Move staff's recommendation.

Chair de Arakal and staff discussed what happens if Mr. Dowling's real estate transaction falls through and the illegal dispensary continues to operate.

Commissioner Zich provided comments on his motion.

Commissioner Perkins spoke on updating the regulations for requiring a conditional use permit for a tattoo establishment.

Vice Chair Harlan provided comments on the project.

Commissioner Tourje spoke in support of the motion.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Colbert

Recused: None

Motion carried: 6-0

ACTION: Planning Commission adopted 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 20-08, subject to conditions of approval.

RESOLUTION PC-2020-20 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 20-08 FOR A CONDITIONAL USE PERMIT FOR A TATTOO SHOP LOCATED AT 1775 NEWPORT BOULEVARD SUITE A

The Chair explained the appeal process.

2. **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL REPEAL URGENCY ORDINANCE 19-19 AND GIVE FIRST READING TO AN ORDINANCE APPROVING CODE AMENDMENT 2020-04 AMENDING PORTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW REQUIREMENTS AND TO AUTHORIZE RELATED FEES**

Project Description: An ordinance to adopt Code Amendment 2020-04 to amend portions of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development) to modify and establish standards and fees for Accessory Dwelling Units and Junior Accessory Dwelling Units consistent with State law. The update includes revisions to the following chapters:

- Chapter I, Article 2: Definitions
- Chapter IV, Citywide Land Use Matrix
- Chapter V, Development Standards
- Chapter VI, Off-site Parking Standards
- Chapter XI, Subdivisions
- Chapter XII, Special Fee Assessments

This item was continued from the July 27, 2020 Planning Commission meeting.

Environmental Determination: The Ordinance is exempt from the California Environmental Quality Act (CEQA) under Public Resources Code Section 21080.17 [statutory exemption for second unit ordinances]; CEQA Guidelines Sections 15282(h) [statutory exemption for second unit ordinances]; 15303 [new construction of small structures] and 15305 [minor alterations to land] and CEQA Guidelines Section 15061.

Ms. Colgan stated that one public comment has been provided to the Commission and made a part of the record.

Johnwilly Aglupos, Assistant Planner, presented the staff report.

Discussion with the Commission and staff ensued on specifications for an ADU on a corner lot; separate addresses for ADUs and whether they could be counted toward the City's RHNA's requirements; construction of a JADU requires owner occupancy of one of the units on-site whereas an ADU construction does not; restrictions on short term rentals; any current legal challenges to AB 229 or SB 1069; a property could not be subdivided to sell the ADU under the proposed ordinance; when the open space requirement is applied to an ADU; State parking requirements for ADUs and JADUs; whether a driveway would be counted as open space when the property's entrance is off the alley; ADU permit fees; process to legalize an unpermitted ADU under the proposed ordinance and the permitting fees associated with it; what process is available if an applicant cannot meet the proposed ordinance standards;

whether any JADU applications have been submitted; if properties with an existing recreation room with a full bath could convert to an ADU as long as they meet the requirements; why an ADU addition does not require separate utilities but a separate built ADU requires it; City parking requirements in the proposed ordinance; public comment received about an ADU built over their garage that would not be allowed under the proposed ordinance; what the process would be if a homeowner wants to build a second story ADU closer than 40 feet from the property line; concerns with the park impact fees for JADUs; purpose of park impact fees; whether the City can require property owners of ADUs and JADUs to set their rent price per County's affordable rental rates; minimum size requirement for an ADU in the multi-family zone; size requirement when converting an existing space to an ADU; and the reason for the 40-foot setback requirement for a second story ADU above a garage.

The Chair opened the public hearing.

PUBLIC COMMENTS

Mike Gancar asked for clarification on whether a 20-foot setback from the rear is required except from an alley for a second story ADU above a garage and whether an alley is considered a public right-of-way and the requirement that a stairway on a second story ADU that must be screened from a public right-of-way.

Mr. Aglupos responded to Mr. Gancar questions.

A telephone caller spoke on increasing or eliminating the proposed City parking requirement distance from a bus transit location.

Trevor Carone asked whether building an ADU over a detached garage on an alley with only one-story front house is allowed.

Mr. Aglupos responded to Mr. Carone's question.

Gabe Butcher asked whether a new construction second-story ADU that meets all the requirements could be approved today.

Mr. Aglupos responded to Mr. Butcher's question.

Chasin Prather stated that he has a single-story single-family home that abuts a rear alley and asked whether staff will do a preliminary site plan review that is under the pending ordinance and whether building an ADU above an existing detached garage would be considered new construction or a remodel.

Mr. Aglupos responded to Mr. Prather's questions.

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

Discussion with the Commission and staff ensued clarifying the 20-foot setback requirement for a two-story ADU is for the whole structure if it does not abut an alley.

The Chair closed the public hearing.

MOVED/SECOND: de Arakal/Tourje

MOTION: Move staff's recommendation.

All Commissioners provided comments on the item.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Colbert

Recused: None

Motion carried: 6-0

ACTION: Planning Commission adopted a Resolution recommending that the City Council:

1. Find that adoption of the Resolution is exempt from the California Environmental Quality Act ("CEQA") under Public Resources Code section 21080.17 [statutory exemption for second unit ordinances]; CEQA Guidelines sections 15282(h) [statutory exemption for second unit ordinances]; 15303 [new construction of small structures] and 15305 [minor alterations to land] and CEQA Guidelines section 15061; and
2. Repeal Urgency Ordinance 19-19 and give first reading to an Ordinance approving Code Amendment 2020-04, amending Title 13 of the Costa Mesa Municipal Code relating to accessory dwelling units and junior accessory dwelling units and to authorize related fees.

RESOLUTION PC-2020-21 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL REPEAL URGENCY ORDINANCE 19-19 AND GIVE FIRST READING TO AN ORDINANCE APPROVING CODE AMENDMENT CO-2020-04 AMENDING PORTIONS OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE PERTAINING TO ACCESSORY DWELLING UNITS AND JUNIOR ACCESSORY DWELLING UNITS CONSISTENT WITH STATE LAW REQUIREMENTS AND TO AUTHORIZE RELATED FEES

NEW BUSINESS:

1. **APPOINTMENT OF A CHAIRPERSON PRO TEM FOR THE SEPTEMBER 28, 2020 PLANNING COMMISSION MEETING DUE TO THE PLANNED ABSENCE OF BOTH THE CHAIR AND VICE-CHAIR PERSONS**

Description: Article II, Section 2, of the Planning Commission bylaws state that a Chairperson Pro Tem may be appointed by the Planning Commission to act in the absence of both the Chairperson and Vice-Chairperson. Both Chairperson de Arakal and Vice-Chairperson Harlan have scheduled absences for the regular meeting of September 28, 2020. Accordingly, staff recommends that the Planning Commission appoint a Chairperson Pro Tem to serve for the regular meeting of September 28, 2020.

Jennifer Le, Acting Director of Economic and Development Services, presented the staff report.

The Chair opened public comment.

PUBLIC COMMENTS

No public comments.

The Chair closed the public hearing.

MOVED/SECOND: Harlan/Perkins

MOTION: Nominate Commissioner Jenna Tourje as the Chairperson Pro Tem for the meeting of September 28.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Colbert

Recused: None

Motion carried: 6-0

ACTION: Planning Commission appointed Commissioner Tourje as Chairperson Pro Tem for the September 28, 2020 meeting.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Ms. Le reported on the status of the City's RHNA allocation.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

Chair de Arakal asked Mr. Preziosi to monitor Senate Bill 1120.

ADJOURNMENT AT 8:31 PM

Submitted by:



JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION