REGULAR MEETING OF THE CITY OF COSTA MESA PLANNING COMMISSION

July 27, 2015

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.

Amy Buch from the Orange County Health Care Agency led in the Pledge of Allegiance.

ROLL CALL

Present: Chair Robert Dickson
Vice-Chair Mathews
Commissioner Colin McCarthy
Commissioner Tim Sesler
Commissioner Stephan Andranian

Staff: Claire Flynn, Assistant Development Services Director
Yolanda Summerhill, Planning Commission Counsel
Fariba Fazeli, City Engineer
Ryan Loomis, Associate Planner
Stephanie Roxas, Associate Planner
Chelsea Crager, Assistant Planner
Martha Rosales, Recording Secretary
Julie Colgan, Administrative Secretary

PUBLIC COMMENTS

Beth Refakes, Costa Mesa resident, reminded everyone about it being the last week to donate gowns for the Marine Corps ball.

A Costa Mesa resident thanked the Commissioners for their 5-0 vote with Solid Landings hearing and the City Council for upholding their vote. She also acknowledged the time and effort the women involved with moving Solid Landings forward.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner McCarthy congratulated Vice Chair Mathews on his recent nuptials and City staff for receiving the HUB of Innovation Award. He also suggested going to the OC Fair.

Commissioner Sesler congratulated Vice Chair Mathews on his recent nuptials and spoke highly of the City staff. He also suggested going to the Segerstrom Center for Arts movie night.

Vice Chair Mathews suggested going to OC Fair and thanked staff for all they do.

Chair Dickson suggested going to see the cattle run at the OC Fair and announced the last concert at Fairview Park.

CONSENT CALENDAR

Chair Dickson asked if anyone wanted to pull any items from the consent calendar. No one responded.

1. Minutes for the meeting of June 22, 2015
2. Minutes for the meeting of June 8, 2015

MOTION: Approve Consent Calendar Item number 1 and number 2
Moved by Commissioner McCarthy, seconded by Chair Dickson.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler
Noes: None
Absent: None
Abstained: Andranian

Chair moved Public Hearing item number 3 to the first item.

PUBLIC HEARINGS:

3. **Application No.** PA-13-32
Applicant: Ryan Walton
Site Address: 141 Melody Lane
Zone: R3
Project Planner: Antonio Gardea
Environmental Determination: The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (conversion of small structures).

Description: Design Review to legalize the conversion of a fourth unit in an existing triplex. The fourth unit is a one-bedroom unit located on the first floor of the apartment building. Proposed project involves compliance with all Building and Fire Code requirements. The legalization of the fourth unit will result in an overall parking requirement of 9 spaces for the property (9 spaces proposed). In order to create new open parking, a minor modification is required for the encroachment of one open parking space in the front yard setback (20-foot setback requirement; 16-foot setback proposed).

MOTION: Public Hearing item number 3, Planning Application PA-13-32, Design Review for 141 Melody Lane, move to continue it to the Planning Commission meeting of August 10th.
Moved by Commissioner McCarthy, second by Vice Chair Mathews.

The motion carried by the following roll call vote:
Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

1. **Application No.:** PA-15-19 & PM-15-129
Applicant: George W Seitz
Site Address: 189 Merrill Place
Zone: R2-MD
Project Planner: Ryan Loomis

Environmental Determination: The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (new construction or conversion of small structures).

Description: Design Review and Tentative Parcel Map for the construction of a new 2-unit, two-story small lot residential subdivision in the R2-MD zone. The existing single story residence will be demolished. The Tentative Parcel Map proposes the subdivision of the property into two fee simple lots for home ownership.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked if the project met all the requirements. Mr. Loomis responded yes.

Commissioner Sesler asked for clarification with how many parking spaces there are on the existing site versus the proposed one.

Commissioner Andranian stated concerns with the final appearance of the project reflecting what is being proposed in the staff report.

Ms. Flynn clarified that in Condition of Approval No. 5 the property line fencing is conditioned for a six inch foot masonry wall instead of a vinyl fencing proposed by applicant.

PUBLIC COMMENTS

George W Seitz, applicant, has read and is in agreement with the Conditions of Approval. He also discussed the proposed project and what materials they are going to use.

Commissioner Andranian asked the applicant if the chain link fence will be removed. Mr. Seitz responded yes if on their property and it would be negotiated if it is on the adjacent property.

Chair closed the public hearing.

Chair Dickson asked for clarification with the wording in Condition of Approval No. 3 and No. 12a. He also stated it being a good looking project and it is an improvement for the neighborhood.

Commissioner McCarthy stated how good the project is because of the good use of space and the improved parking.

MOTION: Based on the evidence in the record and the findings contained in Exhibit A, subject to conditions of approval contained in Exhibit B, that the Planning Commission hereby approves Planning Application PA-15-19 and Tentative Parcel Map PM-15-129. The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 with the following modification:
<u>Condition of Approval No. 12a to read</u>: "The CC&R's shall contain restrictions requiring residents to park vehicles in garage spaces provided for each unit. Storage of other items may occur only to the extent that vehicles may still be parked within the required garage at the number for which the garage was originally

designed and to allow for inspections by the homeowner's or maintenance association, as applicable, to verify compliance with this condition".
Moved by Chair Dickson, seconded by Commissioner McCarthy.

RESOLUTION 15-44 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-19 AND TENTATIVE PARCEL MAP NO. PM-15-129 FOR PROPERTY AT 189 MERRILL PLACE IN THE R2-MD ZONE

The motion carried by the following roll call vote:
Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian
Noes: None
Absent: None
Abstained: None

The Chair explained the appeal process.

2. **Application No.:** CO-15-02
Applicant: City of Costa Mesa
Site Address: Citywide
Project Planner: Stephanie Roxas
Environmental Determination: This project is exempt under Section 15061 (b) (3) (general rule) of the CEQA Guidelines.

Description: Code Amendment CO-15-02 amends the Costa Mesa Municipal Code to create standards regulating smoking lounge uses, including but not limited to hookah parlors, vaping lounges, and cigar bars. The proposed code amendment would include, but not limited to, definitions, permissible zoning districts, and operational and development standards for smoking lounges.

Stephanie Roxas, Associate Planner, presented the staff report.

Vice Chair Mathews asked for clarification regarding how the proposed Ordinance would affect smoking lounge and retail uses.

Commissioner McCarthy asked for clarification regarding the different regulations proposed in the industrial and commercial zones.

Commissioner Andranian stated concerns with the definition of the smoking lounge.

Commissioner Sesler asked for clarification on how the proposed definitions were developed. Ms. Roxas responded they used a local example.

Commissioners directed additional questions to staff to clarify different areas of the ordinance and discussed general concerns.

Amy Buch, Division Manager from Orange County Health Care Agency, gave a presentation on the effects of smoking cigarettes, hookah and electronic cigarettes.

Commissioners asked questions relative to electronic cigarettes including but not limited to how they are regulated, the current status of legislation, the vapor emissions from electronic cigarettes, and usage by minors.

PUBLIC COMMENTS

Austin Hopper, Costa Mesa resident, thanked the Health Department for their research, the City for the Ordinance, the Commissioners for backing their business and for allowing them to operate as normal.

Douglas Hughes, vapor business owner, stated reasons why electronic cigarettes are less harmful than tabaco.

A Costa Mesa resident asked to keep the parking ratio at 17 per thousand and for clarification if the work portion of the live/work units qualified to be a lounge.

Norm Bour, from Vapor Mentor, spoke about the difference between a smoking lounge and a smoke vape lounge. He also commended the City for grandfathering the existing businesses and stated general concerns with other cities that have required CUP's for vape shops.

A Costa Mesa resident stated the need for protection from cigarette smoke and vaping smoke near City Council meetings and medical, rehab, and senior facilities.

Laura McCollum, from SoCal Vape Expo, stated she wanted to see the ban on the vaping industry in the general Southern California region stopped.

Shane Simpson, with C3 Vapors, gave personal testimony on how vaping has helped him quit smoking and changed his life.

Lucy Noble, with Alley Blends LLC, stated concerns with the definition of smoking lounges and recommended the City to continue allowing product testing inside vape shops. She also spoke about the benefits of electronic cigarettes.

John Cavanaugh, Costa Mesa resident, stated that changing the verbiage in the Ordinance would help out a lot.

Commissioners and staff discussed the public comments, changing vague definitions, the proposed vaping ban in public parks, and what the Ordinance is regulating.

Commissioner McCarthy stated he would like to see the item back in a year for a follow up evaluation.

MOTION: Move that the Planning Commission hereby recommends that the City Council approve and give first reading to the ordinance with the following modifications to:

- **<u>Smoking lounge definition to read:</u> "Any facility or location whose business operation whether as a primary use or an ancillary use is characterized by the retail sales, offering, and or preparation of smoking of tobacco, cigars, hookah, electronic cigarettes, or similar products, including but not limited to establishments known variously as hookah parlors, vape lounges, or cigar bars".**
- **Add a definition for electronic cigarettes**
- **Review the definitions in Title 8, Chapter V as it relates to lighted smoking devices**
- **Replace the definition of "tobacco retailer" with "smoking vaping retailer".**

Moved by Chair Dickson, seconded by Commissioner McCarthy.

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None

Abstained: None

Chair Dickson called a 3-minute break.

4. **Application No.:** PA-15-16
Applicant: Greg Butcher
Site Address: 3050/3060 Bristol Street
Zone: PDC
Project Planner: Chelsea Crager
Environmental Determination: The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities).

Description: Conditional Use Permit for motor vehicle sales of high-end vehicles and collector cars with thirteen outdoor display spaces in the parking lot. The CUP includes a deviation from parking requirements due to unique operational characteristics to allow for the proposed outdoor display (39 spaces required; 32 spaces proposed). Existing parking includes 22 spaces in the parking lot and an additional 10 spaces through a reciprocal parking agreement with the Hilton Hotel at 3050 Bristol St.

Chelsea Crager, Assistant Planner, presented the staff report.

Commissioners asked about the definition used for the high-end cars, if any areas like the SOBECA plan prohibits similar uses, other areas where high-end cars are displayed outdoors, traffic impact, and potential traffic special events could cause.

PUBLIC COMMENTS

Greg Butcher, applicant, has read and is in agreement with the conditions of approval. He also gave a presentation about his business.

No public comments.

Commissioner McCarthy stated it was a great location for the proposed business and supports the project.

Chair Dickson responded to the public correspondences about traffic and is in support of the project.

Commissioners and staff discussed traffic concerns that a special event could cause and adding a condition to address it.

MOTION: Planning Commission hereby approves Planning Application PA-15-16 a conditional use permit for retail sales of motor vehicle with outdoor display at 3060 Bristol Street and reciprocal parking at 3050 Bristol Street based on the finding set forth in Exhibit A, subject to conditions set forth in Exhibit B with the following modifications:
<u>Condition of Approval No. 10 last bullet point to read:</u> "There shall be no neon lighting or neon signage on the property".
<u>Add a new bullet point to Condition of Approval No. 10 to read:</u> "There shall be no window signage on the showroom building".
<u>Add a Condition of Approval No. 19 to read:</u> "With regard to special events, marketing functions, and other gatherings, applicant shall submit a Special Event Plan at least 48 hours prior to the event for the review/approval of the Development Services Director. The Special Event Plan shall specifically include a parking management plan, overflow parking areas (i.e. Hilton Hotel), signage, event hours,

and number of attendees. The Development Services Director shall verify that the parking and circulation impacts of the special event are fully addressed. Failure to submit special event plans for advance approval is considered a violation of this condition".

<u>Add a Condition of Approval No. 20 to read:</u> "The applicant shall submit the route for test driving vehicles to the Transportation Division Manager and Development Services Director for review and approval prior to issuance of a business license. The route shall be limited to major arterials flanked by nonresidential uses (i.e. Bristol Street, Sunflower Street, Anton Blvd, MacArthur Blvd, etc.) and avoid residential areas to the maximum extent feasible and practicable (i.e. Paularino Avenue)".

Moved by Commissioner McCarthy, seconded by Commissioner Andranian.

<u>RESOLUTION 15-45</u> – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-16 FOR A CONDITIONAL USE PERMIT FOR AUTOMOBILE RETAIL WITH OUTDOOR DISPLAY LOCATED AT 3050/3060 BRISTOL STREET

The motion carried by the following roll call vote:

Ayes:	Dickson, Mathews, McCarthy, Sesler, Andranian
Noes:	None
Absent:	None
Abstained:	None

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Fariba Fazeli, City Engineer, reported the Harbor Boulevard widening project had started and will be completed by November.

2. Economic and Development Services Report – Claire Flynn, Assistant Development Services Director, announced at the Joint Study Session on Tuesday, September 8th the City Council and Planning Commissioners will consider the Urban Plan amendments and land use alternatives for the General Plan. Ms. Flynn also announced there being a possible cancellation of August 24th Planning Commission meeting leaving one meeting on August 10th.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON AUGUST 10, 2015.

Submitted by:

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CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION