APPROVED MINUTE EXCERPTS FROM THE SEPTEMBER 12, 2016 PLANNING COMMISSION MEETING REGARDING HOLIDAY (Public Hearing No. 2 – PA-16-55)

2. **Application No.:** PA-16-55
Applicant: Pacific Planning Group, Inc.
Site Address: 719 West 19th Street
Zone: C1
Project Planner: Mel Lee
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 to allow live entertainment including, but not limited to, music, dancing, and open microphones, for an entertainment venue (Holiday, formerly Lion's Den and Maison) within 200 feet of residentially-zoned properties, and on-site valet parking. A current public entertainment permit allows disc jockey entertainment (DJ) and dancing. Proposed hours of operation are from 7:00 a.m. to 2:00 a.m., seven days a week; proposed hours for live entertainment are 11:00 a.m. to 2:00 a.m., seven days a week.

Three ex-parte communications to report: Commissioner McCarthy and Chair Dickson spoke with the applicant by phone and Vice Chair Mathews spoke with the applicant by email.

Mel Lee, Senior Planner, presented the staff report.

Chair Dickson asked if the storage container was still on the property. Mr. Lee responded no, it was removed eight months ago. Chair Dickson also asked if continuous noise monitoring would occur. Mr. Lee responded the business had been equipped with a noise monitoring system that lets them know if it gets too loud.

Commissioner McCarthy asked if there were any outstanding issues since last time the item went before the Planning Commission. Mr. Lee responded no currently. The only two issues to the specific use were a code enforcement complaint in late July and a Police Department complaint in late August.

PUBLIC COMMENTS

Karen Martin, applicant, gave a detailed presentation on the conditional use permit the application is requesting. She stated being in agreement to all conditions and noted that Roland Barrera is not involved in running the Holiday in any capacity.

Mike Holrtiz, consultant from Landrum and Brown (Acoustic Engineer), explained that the Holiday meets the City's noise ordinance levels at 45 DBA standard.

Mario Vissan, Laguna Beach resident, stated while he visited the club, he only heard noise from the outside when the door was opened.

A Costa Mesa resident stated concerns with the noise coming from the music.

Rich Cantone, Costa Mesa resident, stated being in support of the application.

Steven Chan, Costa Mesa resident (Mr. Chan indicated that he was speaking on behalf of some of his neighbors), stated concerns with the alcohol beverage license, the noise coming from the club, and was in opposition to the application.

Larry Smith, owner of the building, stated the new tenants are the best ones they have had in over 44 years.

A Costa Mesa resident stated being in opposition to the application.

Michael Cho, Attorney for Palmieri, Tyler, Wiener, Wilhelm & Waldron LLP, explained that the Holiday is in complete compliance with the Alcohol Beverage Control License standards as approved.

Kim Killian, Costa Mesa resident, stated being in support of the application.

Nicholas Stamus, Costa Mesa resident, stated being in support of the application.

Nora, Irvine resident, stated being in support of the application.

Ms. Martin responded to the public comments.

Commissioner Sesler asked for clarification on the sound evaluation that was offered and how many residents responded. Marty Kish, owner, responded that no one has taken the offer yet and it would involve setting up a decibel reader in the home and measuring the sound.

The Chair closed the public hearing.

The Commissioners and City Attorney discussed Code Requirement No. 5.

Commissioner McCarthy stated being in support of the application, appreciated the applicant's efforts with decreasing the noise, and it being an improvement to the area.

Chair Dickson suggested that all the neighbors accept the owners offer of installing a noise meter; stated the need for a successful business at the location; and is in support of the application.

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions of approval contained within Exhibit B that the Planning Commission hereby approves Planning Application PA-16-55 and find that the project is exempt from the provisions of the California Environmental Quality Act under section 15301 for existing facilities with the following modifications:

<u>Condition of Approval No. 3A to read:</u> "Within one month of the approval of the CUP, the applicant shall remit a noise study by an acoustical engineer which identifies the noise levels at the rear property line abutting the residential properties. Noise monitoring shall occur for a four-hour period from 11:00 a.m. to 2:00 a.m. for a minimum of 4 different types of events (live bands, DJ, open microphone, and dancing). Study shall provide conclusions as to whether or not the operations of the bar/lounge comply with the City's Noise Ordinance with regard to the adjacent residences. Study shall make recommendations that shall be implemented by the applicant to reduce noise levels (as applicable) to ensure compliance with the Noise Ordinance. The Development Services Director may impose additional conditions as necessary to mitigate noise issues" and;

<u>The deletion of Code Requirement No. 5</u>.

Moved by Chair Dickson, second by Vice Chair Mathews.

<u>RESOLUTION PC-16-46</u> – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-55 FOR LIVE ENTERTAINMENT AT HOLIDAY (FORMERLY LION'S DEN AND MAISON) AT 719 WEST 19TH 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.