

## UNOFFICIAL UNTIL APPROVED

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

June 8, 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](http://www.costamesaca.gov) or purchased on DVD upon request.*

Vice Chair Jeff Mathews 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  
Elena Gerli, Planning Commission Counsel  
Fariba Fazeli, City Engineer  
Mel Lee, Senior Planner  
Antonio Gardea, Senior Planner  
Ryan Loomis, Associate Planner  
Jerry Guarracino, Assistant Director Community Improvement Division  
Martha Rosales, Recording Secretary  
Julie Colgan, Administrative Secretary

**PUBLIC COMMENTS**

John Hawley, Costa Mesa resident, requested for a new condition of approval and inspection process for the developments in the City based on the bad patching in the streets.

Cindy Black, Costa Mesa resident, spoke about John Morehart's properties and businesses.

Lorraine Keane, Costa Mesa resident, stated that the vision of our City should reflect our community.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Commissioner McCarthy encouraged everyone to read the Daily Pilot article about the accidental drowning of a child in Irvine and the importance of fences around pools.

Commissioner Andranian asked staff to provide the Commissioners the documents that Ms. Black had up on the screen so they can read them later on.

Chair Dickson thanked everyone who came down to the meeting and encouraged everyone to go to the Fish Fry.

**CONSENT CALENDAR**

Chair Dickson asked if anyone would like to pull a Consent Calendar item and the public responded that they would like to pull items # 3, 4 and 5.

1. Minutes for the meeting of May 26, 2015
2. Minutes for the meeting of May 11, 2015

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

The motion carried by the following roll call vote:

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

3. General Plan Conformity Resolution for proposed drainage easement within Fairview Park in conjunction with a new residential development located at 2294 Pacific Avenue

### **PUBLIC COMMENTS**

Wendy Leece, Costa Mesa resident, encouraged taking a look at the environmental issues and historical issues regarding the burial grounds to make sure that going forward we are not going into uncharted area. She also stated concerns with the price and cost of what the City and developer is paying.

Jay Humphrey, Costa Mesa resident, stated concerns with the swale and the run off area.

Linda Black, Costa Mesa resident, spoke about meeting certain conditions with the storm water pollution prevention plan and the water control plan before having the project approved.

The Chair closed the public hearing.

Fariba Fazeli, City Engineer, responded to public concerns about the drainage and stated that the City is formalizing an existing drainage path.

**Motion: Approve General Plan Conformity Resolution for proposed drainage easement within Fairview Park in conjunction with a new residential development located at 2294 Pacific Avenue. Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

**RESOLUTION 15-33:** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE CITY OF COSTA MESA'S DRAINAGE EASEMENT IN FAIRVIEW PARK, ALONG THE SOUTHERLY PROPERTY LINE BOUNDARY ABUTTING 2294 PACIFIC AVENUE, IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN AND WILL SERVE THE PUBLIC INTEREST AND IS A PUBLIC BENEFIT.

The motion carried by the following roll call vote:

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

4. Update from the Community Improvement Division

## **PUBLIC COMMENTS**

A Costa Mesa resident stated concerns with the large increase with the group homes in our City and the reason for this concentration.

A Costa Mesa resident stated she is in support of the recovery movement, asked for an explanation about the over concentration of group homes in our City and addressed concerns about the people in the homes being exploited.

A Costa Mesa resident requested that the residents be made aware of what areas the new state licensed group homes are going in and be given an opportunity for input.

Jay Humphrey, Costa Mesa resident, stated concerns with transparencies in the report.

The Chair closed the public hearing.

Commissioner Sesler asked for clarification of the restriction of group homes operating within the City. Jerry Guarracino, Assistant Director Community Improvement Division, responded that there is nothing in the State's regulations to not issue a license except if the properties did not meet the Fire Department requirements.

Commissioner McCarthy stated he wanted an opportunity for the residents to be more involved so they know what's happening on a more regular basis.

Commissioner Andranian stated he wanted to see more reports coming to the Planning Commission so they are more aware of what is going on.

Mr. Guarracino, responded to the Commissioners by stating that the process is a ministerial type of permit so they could not consider the residents input in the involvement with the decision making. Elena Gerli, City Attorney, also responded by explaining why the permit is a ministerial permit.

Chair Dickson asked if the State requires public noticing. Ms. Gerli responded no. They review the application and decide based on the materials submitted. He has also asked to have the information available on the website for the public instead of a formal item coming to Planning Commission every two weeks.

**MOTION: Receive and file the Update from the Community Improvement Division. Moved by Commissioner McCarthy, seconded by Chair Dickson.**

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

5. Summary Matrix of High Density Residential Districts in Orange County Cities

## **PUBLIC COMMENTS**

Jay Humphrey, Costa Mesa resident, stated that he did not want us to start looking at the numbers in the report as how Costa Mesa should look because Costa Mesa has different needs.

John Hawley, Costa Mesa resident, stated that in the future he wants to see lower density.

Beth Refakes, Costa Mesa resident, thanked staff for preparing the report and suggested not using it as a road map to be comparable with some of the other cities in the report.

A Costa Mesa resident stated concerns with the integrity of the neighborhoods being compromised by the high density developments in our City.

Commissioner McCarthy stated that the report is a good starting point with a good discussion of high density in our City and looks forward to having more discussions and more applications.

**MOTION: Receive and file the Summary Matrix of High Density Residential Districts in Orange County Cities. Moved by Commissioner McCarthy, second by Chair Dickson.**

The motion carried by the following roll call vote:

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

## **PUBLIC HEARINGS:**

- 1. Application No.** ZA-15-01  
**Applicant:** Kristen Ford  
**Site Address:** 657 W. 19<sup>th</sup> Street  
**Zone:** C1  
**Project Planner:** Mel Lee

### **Environmental**

**Determination:** If approved, the project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities). If denied, project is statutorily exempt under Section 15270 (projects which are disapproved).

**Description:** An appeal of the Zoning Administrator's approval of a minor conditional use permit to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building. A total of 67 parking spaces are required for the use, 24 on-site parking spaces are proposed (29 existing minus 5 that will be lost when the West 19th Street gate is reopened per the conditions of approval) based on unique operating characteristics.

Mel Lee, Senior Planner, gave a brief overview of the proposal and what was approved by the Zoning Administrator.

Vice Chair Mathews asked if the staff members for the facility were using their parking lot or if they are parking on the street. Mr. Lee responded that a Code Enforcement Officer confirmed earlier this week that the parking was not being entirely conducted on site.

Commissioner Andranian asked about if the application is not approved what would happen to their operation at that site. Mr. Lee responded that the applicant could not provide group counseling services; they could only provide administrative or support offices only with the four per thousand parking rate.

Commissioner Sesler asked about the parking requirements and if we have received any complaints from surrounding neighborhoods about the parking and other nuisance aspects in regard to the operation. Mr. Lee responded that we received four letters in opposition and none in support of the parking reduction.

## **PUBLIC COMMENTS**

Ann Parker, the appellant, gave her presentation on why she appealed the item.

Wendy Leece, Costa Mesa resident, stated concerns with granting the parking deviations, the traffic impact and safety.

Ms. Parker continued her presentation.

Teresa Drain, Costa Mesa resident, stated concerns with the parking, conditions of approval not being met and code requirements not being followed.

Dennis O'Neil, representative for Solid Landings, gave presentation in support of the Zoning Administrator's decision and stated that Solid Landings had not received any notice of being in violation from the City of any code requirement.

Commissioner McCarthy asked for clarification about the violations the appellant stated and why the applicant was unaware. Mr. Lee and Ms. Gerli responded to the process of the Zoning Administrator decision and when the violations of the minor conditional use permit would take place.

Jay Humphrey, Costa Mesa resident, stated concerns with the parking process and Conditions of Approval No. 3, 4, and 9.

Barrie Fisher, Costa Mesa resident, stated concerns with the detrimental impact Solid Landings is having on the residents across the street.

A Costa Mesa resident stated concerns with traffic, capacity, approved evacuation plan, and the noise of the gate.

Steven Chan, Costa Mesa resident, addressed concerns with setting a precedence of this application.

A Costa Mesa resident stated concerns with how long the business had been operating without permits.

Jennifer Webster, Costa Mesa residents, stated she wanted to see equal treatment when violations are happening and had concerns with the parking.

Ms. Parker addressed Mr. O'Neil statement about not knowing about the violation notices.

Ms. Leece responded to public comments about the process of getting a permit and stated concerns of there being no record of a fire inspection.

Teresa Drain asked for an explanation of how the minor conditional use permit process works.

Mr. O'Neil responded to the public concerns.

Chair closed the public hearing.

Commissioner McCarthy and Dickson asked for clarification with the code violations and if not complying with the conditions would play into the decision of approving the minor conditional use permit. Ms. Gerli responded yes.

Commissioner Andranian stated concerns with setting a precedence with the approving the parking and if the applicant is capable of complying with the conditions of approval. He also asked what would happen if they did not approve the application. Ms. Gerli responded that they could not operate a group counseling facility at this operation and that it is not an issue of precedence instead it would be an issue of it fitting within the City's policy with granting a minor conditional use permit.

The Commissioners discussed the evidence, the code violations, the parking issue, the business plan, and if they should uphold or reverse the Zoning Administrator's approval.

**MOTION: Based on the evidence in the record and the findings set forth in Exhibit A denial that the Planning Commission hereby grant the appeal and reverse the Zoning Administrators decision for approval of ZA-15-01 from the deviation from parking requirements for a group counseling use at 657 West 19<sup>th</sup> Street with further findings:**

- First finding - The information presented does not provide and does not comply in that the proposed use is not compatible with developments in the same general area and is materially detrimental to other properties in the area. There is evidence in the record that the parking operations that are happening now result in parking on the street and result in queuing and stacking commercial vehicles on the street. There is evidence in the record showing that the parking is materially detrimental to other properties in the area.
- Second finding - Granting the minor conditional use permit is materially detrimental to the health and safety to general welfare of the public and otherwise injurious to properties or improvements to the immediate neighborhood. There is testimony from adjacent property owners describing the impact from the parking on the street and the commercial vans that are not being utilized in the manner depicted in the project descriptions.
- Third finding - Granting the minor conditional use permit would allow use density or intensity which is not in accordance with the General Plan designation and that we have evidence in the record that the General Plan portions that were described in the staff report are not supportive of objective LU-1F.1 - protect existing stabilize residential neighborhoods from the encroachment compatible potential disruptive land use or activities. There is evidence in the record that shows that the existing operations regardless of an existence of a minor conditional use permit or conditions of approval that there are parking impacts from parking and commercial van traffic that do not conform with the General Plan land use designation.

**Moved by Commissioner McCarthy, second by Vice Chair Mathews.**

**RESOLUTION 15-34:** A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING THE ZONING ADMINISTRATOR'S DECISION AND DENYING ZONING APPLICATION ZA-15-01 FOR A MINOR CONDITIONAL USE PERMIT FOR A REDUCTION IN ON-SITE PARKING SPACES FOR A GROUP COUNSELING USE AT 657 WEST 19<sup>TH</sup> 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.

Chair Dickson called a 5-minute break.

2. **Application No.:** PA-15-06

**Applicant:** Brett Ettinger  
**Site Address:** 1620 Orange Avenue  
**Zone:** R2-HD  
**Project Planner:**  
**Environmental Determination:** The project is categorically exempt under Section 15303 of the State CEQA (California Environmental Quality Act) Guidelines – Class 3 (new construction).

**Description:** Design review application for the development of a two-unit, two-story residential development per the Residential Small Lot Subdivision development standards with the following deviations from code requirements:

- a. Minor modification for rear yard setback (10 feet required, 8 feet proposed).
- b. Minor modification for front yard setback distance (20 feet required; 16 feet proposed). The setback is measured from the front property line to the support posts of the front patio.

The project will require a tentative parcel map to facilitate the subdivision of the property for condominium purposes, which will be submitted as a separate application at a later date.

Ryan Loomis, Associate Planner, presented the staff report.

### **PUBLIC COMMENTS**

Peter Naghavi, representing the property owner Scott Burnham, thanked the Commissioners for allowing them to present the project a second time in less than a month and gave his reasons on why to approve the project.

Commissioner Andranian asked if there had be changes to the architecture. Mr. Naghavi responded yes but none to compromise the design.

Carolyn Shannon, Costa Mesa resident, asked if an architectural survey has been done of the property and stated concerns with the size of the project on a small lot and hope the Council is fair and balanced.

A Costa Mesa resident stated that they would like to see the development incorporate the existing mature trees on the properties.

The Chair closed the public hearing.

Commissioner McCarthy thanked the applicant for going back to the drawing board and coming up with a product that was superior to what was previously brought to them on May 11<sup>th</sup>.

**MOTION: Based on the evidence in the record and the findings set forth in Exhibit A subject to conditions set forth in Exhibit B, the Planning Commission hereby approves Planning Application PA-15-06 a design review for a two-unit residential development at 1620 Orange Avenue.  
Moved by Commissioner McCarthy, seconded by Chair Dickson.**

**RESOLUTION 15-35** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-06, LOCATED AT 1620 ORANGE AVENUE, FOR DESIGN REVIEW OF A 2-UNIT RESIDENTIAL DEVELOPMENT

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.

3. **Application No.:** PA-15-17  
**Applicant:** Lisa Salisbury  
**Site Address:** 719 West 19<sup>th</sup> Street  
**Zone:** C1  
**Project Planner:** Mel Lee

**Environmental**

**Determination:** If approved the project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (existing facilities). If denied, it is exempt under Section 15270 (a) for projects which are disapproved.

**Description:** Conditional Use Permit to allow the following additional requests for an existing bar/lounge called Maison (formerly known as Lion’s Den) within 200 feet of residentially-zoned properties:

1. The addition of “live entertainment” including bands, vocals/singing, and other types of live musical performances at the venue. A public Entertainment permit allowed Disc Jockey entertainment (DJ) and dancing;
2. Modification to the hours of operation. Proposed hours are from 7:00AM to 2:00AM, seven days a week; and
3. Legalization of a shipping container behind the building to be used for storage purposes.

Mel Lee, Senior Planner, presented the staff report.

The Commissioners asked several questions about the purpose of the storage container, previous business hours, the cut off time for live music, their pay phone, their sign pole, standards for approving or denying the public Entertainment permit, if the prior code violations issues would play a role in the decision making of the application, code issues would have to be signed off first before the conditional use permit for the live entertainment permit comes into effect, the noise profile place for the past twenty years and if the ABC License will stay in effect.

**PUBLIC COMMENTS**

Lisa Salisbury, attorney for the applicant, gave a short presentation.

Commissioner Andranian asked where the smoking area would be. Bill Mason, applicant, responded that it would in the front.

Chair Dickson asked about the music contained in Condition of Approval No. 2, the hours of operations for music and how they can address the actual control, operation, and ownership of the business to insure that no future live entertainment is held without a permit. Ms. Salisbury responded to his questions by going over the business plan. She indicated that they have an active management that hold weekly meetings to make sure everyone knows what is going on.

Donald Alvarado, In-house counsel for Smart and Final, clarified that there is no agreement between them and the applicant with overflow parking.

Cindy Black, Costa Mesa resident, suggested another spot for the venue.

Steve Ward, Costa Mesa resident, stated that the area is a residential area and that the bar is in the wrong place.

Jay Humphrey, Costa Mesa resident, stated concerns with noise and with putting uses in that are incompatible with the neighborhoods.

Steven Chan, Costa Mesa resident, thanked for the quick placement of the item on the agenda and spoke about a correspondence he supplied that included a court order that Mr. Barrera is a public nuisance and the City cannot go into partnership with him until this is cleared up.

A Costa Mesa resident spoke about City emails between staff and concerns with there being no sprinklers.

Marissa Rogers, Costa Mesa resident, stated concerns with noise and the late hours of operations.

Wendy Leece, Costa Mesa resident, stated concerns with the project being an over intensification of the non-conforming use, noise issues, FCC injunction, serving alcohol without the necessary permits, rules that were broken with the soft opening, and the parking issue with Smart and Final.

Jennifer Webster, Costa Mesa resident, stated concerns with parking and offensive artwork being displayed at the bar.

A Costa Mesa resident stated concerns with the parking and asked for protection with the residential area be preserved.

Leticia Alapone, Costa Mesa resident, stated concerns with noise and traffic.

Zac Smith, founder of Eclectic Sound, stated he would like to have a large music venue in the City and the parking might be the only issue.

A Costa Mesa resident stated it would be detrimental to the health of all the neighbors to have a bar there.

Scott Madison, Costa Mesa resident, spoke in favor of the application.

James Owen, Costa Mesa resident, stated concerns with the noise.

A Costa Mesa resident stated concerns with parking.

Barrie Fischer, Costa Mesa resident, stated concerns with Condition of Approval No. 5.

Beth Refakes, Costa Mesa resident, stated concerns with the smoking area and noise.

Chad Penry, Costa Mesa resident, spoke in favor of the application.

Dede McCCorey, Costa Mesa resident, stated the location is the wrong place to have the bar.

Nam Tram, Costa Mesa resident, addressed concerns with limiting the music for the venue.

Johnny Gehris, Costa Mesa resident, stated he was not involved with Maison and is in support of the application.

Ms. Salisbury responded to the public comments.

Chair Dickson asked if the additional sound management measurements have been taken since the soft opening. Mr. Mason stated that they are in the process of addressing all the sound issues with their business management program.

The Chair closed the public hearing.

Commissioner Andranian and Dickson asked for clarification with what happens if the applicant fails to comply with the conditions of approval, who enforces the public entertainment permit, what happens if they get too many public entertainment permit violations and the process for a conditional use permit revocation.

Commissioner McCarthy addressed concerns with the compatibility of live music with the residential component.

Vice Chair Mathews clarified that prior to the year 2010 there was live music at the location.

Commissioner Sesler stated concerns with having live music till 2 am, the evidence that the applicant's promises will take place and it being the right location. He also suggested that when giving a public comment to respect the other people that they are talking about.

Commissioner Andranian seconded the comments made by Commissioner Sesler and McCarthy.

Chair Dickson asked for clarification if just having the conditional use permit would allow the live music without getting the public entertainment permit. Willa Bouwens-Killeen, Zoning Administrator, responded no, they would need to get the public entertainment permit.

The Commissioner discussed whether to approve the application or not.

**MOTION: Based on the evidence in the record and the findings of denial that the Planning Commissioner hereby deny Planning Application PA-15-17 for Maison (formally known as the Lion's Den) at 791 West 19<sup>th</sup> Street.  
Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

**RESOLUTION 15-36** – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-15-17 FOR LIVE ENTERTAINMENT AND A STORAGE CONTAINER AT MAISON (FORMERLY LION'S DEN) AT 719 W. 19<sup>TH</sup> STREET

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

4. **Application No.:** PA-14-41  
**Applicant:** Father Philip DeVaul  
**Site Address:** 183 East Bay Street  
**Zone:** PDR-HD  
**Project Planner:** Antonio Gardea  
**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 an outdoor Farmers Market at St. John the Divine Episcopal Church. The existing front lawn area (approximately 17,000 square feet) will be converted into a paved parking lot area to accommodate the Farmers Market. An overall total of 34 new parking spaces will be created. The Farmers Market will feature approximately fifteen vendor stalls, and the hours of operation are proposed from 9:00AM to 3:00PM on Saturdays (weekly). A new landscape plan is also being proposed.

Commissioner Sesler recused himself based on the fact that St. John the Divine Episcopal Church is his home church.

Antonio Gardea, Senior Planner, presented the staff report.

Chair Dickson asked for clarification of what the PDR-HD zone allows.

Commissioner Andranian asked if the conditional use permit were granted tonight would it run with the land and transfer to the next applicant. Mr. Gardea responded yes.

#### **PUBLIC COMMENTS**

Father Phillip DeVaul, applicant, gave a presentation outlining the reasons for the farmers market, why he felt it would succeed on the East side and how it relates to the mission and objectives of St. John the Devine Church.

Vice Chair Mathews asked when the farmers market would start operation, if approved. Father Phillip responded by the beginning of September.

Chair Dickson asked why they did not go through the special event route. Father Phillip responded that it would be less intense making it a weekly occurrence not a weekly event.

Dr. Jim Gatewood, Costa Mesa resident, spoke in favor of the application.

Jerika Hayes, Costa Mesa resident, stated the benefits of having the farmers market.

Roger Jacobs, Costa Mesa resident, stated one reason to have the farmers market is that it will help the community have better food.

Betsy Densmore, Costa Mesa resident, spoke in favor of the farmers market because it will give an opportunity to buy local, eat local, create a town common, and help non-profits to generate earned income.

Mike Lingle, Costa Mesa resident, spoke in favor of the application.

Cory Linman, Costa Mesa resident, stated that Costa Mesa is desirable location and that they are in fan of keeping the resources and the money local.

Jane Hyde, Costa Mesa resident, supports the requests of the application.

Dede McCorey, Costa Mesa resident, spoke against the farmers market.

A Costa Mesa resident spoke against the farmers market.

Janine Maganagel, Costa Mesa resident, spoke in favor of the farmers market.

A Costa Mesa resident spoke in favor of the application.

Taylor Dunn, Costa Mesa resident, spoke in favor of the farmers market.

Nina Marshall, Costa Mesa resident, spoke in favor of the farmers market.

Cindy Foley, Costa Mesa resident, stated favor with the quiet enjoyment being disturbed and traffic.

Jeanie Murphy, Costa Mesa resident, spoke in favor of the farmers market.

Marilyn Ashwell, Costa Mesa resident, spoke in opposition of the application.

Barbie Gareaw Costa Mesa resident, spoke in favor of the farmers market.

Tim Marshall, Costa Mesa resident, spoke in favor of the application.

Patricia Chung, Costa Mesa resident, spoke in favor of the farmers market.

Brian Summerfield, Costa Mesa resident, spoke in favor of the farmers market.

Jay Humphrey, Costa Mesa resident, stated concerns with setting a precedence with approving this application, the conditional use permit running with the land once approved, and the parking.

A Costa Mesa resident, stated concerns with the traffic, there being no bike path and the impact on the neighbors and the business of Grower's Ranch.

Beth Refakes, Costa Mesa resident, stated concerns with selling liquor around the area where there are lot of sober living homes, directing the traffic, conducting a commercial enterprise in a residential neighborhood, having the farmers market at the same time as the daycare center, processing sales tax will be handled, and the traffic that will happen when adding the three-way stop.

A Costa Mesa resident stated concerns with the traffic, the character being maintained in the neighborhood, and the parking.

A Costa Mesa resident stated concerns with the impact it would have on the surrounding neighborhoods.

Anastasia Winley, Costa Mesa resident, spoke in favor of the farmers market.

Cindy Black, Costa Mesa resident, stated concerns with a commercial use bringing more negative impacts to the residents than benefits.

Brian Winley, Costa Mesa resident, spoke in favor of the farmers market.

Martin Ward, project manager, talked about the project and addressed public concerns.

Father Phillip responded to public comments and asked for the provision of the possibility of alcoholic beverages be deleted from the application and add that there will be no marijuana sold if it becomes legal.

Commissioners discussed the conditions of approval, public concerns and the project.

**MOTION: Based on the evidence in the record and the findings contained in Exhibit A and subject to revised conditions contained in Exhibit B as follows:**

**Add Condition of Approval No. 5 to read: “The applicant shall install a low wall or hedge along Bay Street frontage to minimize light and glare to neighboring properties.”**

**Revised Condition of Approval No. 9 to read: “Hours of operation shall be during a window between 10:00 a.m. and 2:00 p.m. Commencement of market operations including but not limited to vendor set up, shall begin no earlier than 9:00 a.m. and take-down shall end no later than 3:00 p.m.”**

**Revised Condition of Approval No. 15 to read: “The vendors shall be dedicated to the sale of farm products such as fruits, vegetables, nuts, herbs, eggs, honey, livestock food products (meat, milk, cheese, etc.), or flowers and value added farm products such as baked goods, jams, and jellies. Sale of alcoholic beverages and non-food related items (unless otherwise previously specified) shall be prohibited.”**

**Revised Condition of Approval No. 21 to read: “The applicant shall provide attendants to direct customers to the parking lot to ensure that street parking is minimized and shall post temporary signs to discourage customers from parking along the north side of Bay Street.”**

**Strike Condition of Approval No. 24 and add condition that was outlined in the supplemental memo to read: “The application shall install bicycle racks prior to the opening of the farmers market for full operations.”**

**Revised Condition of Approval No. 26 to read: “The applicant shall not commence operations of the farmers market until the Transportation Division completes a study to determine if an all-way stop and addition of a new crosswalk across Orange Avenue are warranted.”**

**Revised Condition of Approval No. 28 to read: “The applicant shall submit an emergency access plan approved by the Fire Chief to ensure that direct access for emergency fire response/paramedic vehicles to St. John’s Manor remains unrestricted at all times.”**

**Revised Condition of Approval No. 29 to read: “The City grants this conditional use permit for a period of two (2) years from effective date of the approval, June 15, 2015 to June 15, 2017. On June 15, 2017, the approvals set forth herein shall have no further force or effect nor shall it require additional notice and/or hearing to terminate. Any operation beyond this period shall require a new application for conditional use permit.”**

**That the Planning Commission hereby approves Planning Application PA-14-41.  
Moved by Chair Dickson, seconded by Vice Chair Mathews.**

**RESOLUTION 15-37 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-14-41 FOR ESTABLISHMENT OF A FARMERS MARKET AT 183 E. BAY STREET (ST. JOHN THE DIVINE EPISCOPAL CHURCH)**

The motion carried by the following roll call vote:

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

The Chair explained the appeal process.

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – None.
2. Economic and Development Services Report – None.

**CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – None.

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JUNE 22, 2015.**

Submitted by:

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CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION