

UNOFFICIAL UNTIL APPROVED

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION****June 13, 2016**

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.

Chair Dickson led in the Pledge of Allegiance.

ROLL CALL

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

Staff: Mino Ashabi, Principal Planner
Yolanda Summerhill, Deputy City Attorney
Bart Mejia, City Engineer
Willa Bouwens-Killeen, Zoning Administrator
Mel Lee, Senior Planner
Ryan Loomis, Associate Planner
Julie Colgan, Recording Secretary

PUBLIC COMMENTS

Jay Humphrey, Costa Mesa resident, stated concerns with an increase in homelessness and crime that occur after sober living home residents leave a facility. He also commended the new Fire Department badge.

A Costa Mesa resident reported about a Town Hall meeting that happened last week at the community center and showed slides of high-density projects in the City.

The Chair closed the public comments.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS

Commissioner Sesler responded to the public comment about the City's density and stated that Costa Mesa is a low-density city compared to other cities.

Commissioner McCarthy congratulated Bart Mejia promotion to City Engineer.

Chair Dickson suggested going to next year's Lions Club Fish Fry because it is a great community event.

CONSENT CALENDAR

The Chair asked if any member of the public wanted to pull an item on the Consent Calendar. No one responded.

1. Minutes for the meeting of May 23, 2016 and;
2. General Plan Conformity Resolution for vacation of excess right-of-way at 671-673 West 17th Street at two locations: West 17th Street and Superior Avenue

MOTION: Approve minutes for the meeting of May 23, 2016 and approve General Plan Conformity Resolution for vacation of excess right-of-way at 671-673 West 17th Street at two locations: West 17th Street and Superior Avenue.

Moved by Commissioner McCarthy, seconded by Chair Dickson.

RESOLUTION PC-16-29 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA FINDING THAT THE VACATION OF EXCESS RIGHT-OF-WAY BY WESTPORT PROPERTIES AT 671-673 W. 17TH STREET IS IN CONFORMANCE WITH THE CITY OF COSTA MESA 2000 GENERAL PLAN.

The motion carried by the following roll call vote:

Ayes: Dickson, Mathews, McCarthy, Sesler, Andranian

Noes: None

Absent: None

Abstained: None

MOTION: To move Public Hearing item number three, Conditional Use Permit PA-16-48, to Public Hearing item number one.

Moved by Commissioner McCarthy, seconded 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

Commissioner McCarthy asked to hear Public Hearing item number one since Mel Lee, Senior Planner, was not yet in chambers and once he returned Planning Commission would hear Public Hearing item number three.

PUBLIC HEARINGS

1. **Application No.:** CO-16-01
Applicant: City of Costa Mesa
Zone: Citywide
Project Planner: Willa Bouwens-Killeen
Environmental Determination:

This project is exempt under Section 15061 (b) (3) (general rule) of the CEQA Guidelines.

Description: Code Amendment CO-16-01 is a Zoning Code amendment related to portable signs placed within public right-of-ways. Portable signs are not permanently affixed to the ground, structure(s), or a building; these signs include commercial advertisements, realty signs, political campaign signs, directional signage, etc. The proposed code amendment relates to the following:

- Create new definitions to distinguish between commercial and non-commercial portable signs due to a recent United States Supreme Court ruling.

- Establish sign regulations specifying allowable time periods and installations for commercial and non-commercial signs in the public right-of-ways.

Willa Bouwens-Killeen, Zoning Administrator, presented the staff report.

PUBLIC COMMENTS

No public comment.

The Chair closed the public hearing.

Commissioner Sesler asked for clarification with the definition of commercial portable signs in the ordinance. Ms. Bouwens-Killeen responded that the definition refers to advertising a business.

MOTION: Hereby move that the Planning Commission recommend that the City Council approve Ordinance Code Amendment CO-16-01 and give it first reading. 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

- 3. Application No.:** PA-16-48
Applicant: Matt Christensen
Site Address: 3184 Airway Avenue, Suite A
Zone: MP, Industrial Park
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 for the following:

- To establish a music/theater arts and learning program for elementary and middle-school age children called Arts and Learning Conservatory. The proposed Conservatory will be located in an existing 6,000 square foot industrial building formerly utilized by the Berean Community Church. The building will be used for the following uses: administrative offices; after school music and theatre programs from 4:00 pm to 9:00 pm, Monday through Friday; summer day camp from 8:00 am to 3:00 pm, Monday through Friday, from June 15th through August 15th; and theatrical productions on 6 weekends Friday through Sunday throughout the year.
- To approve a site-specific shared parking arrangement due to unique operating characteristics. A parking study prepared by LSA Associates identified a parking demand of 101 parking spaces during the 6 weekends throughout the year with theatrical productions.

NOTE: The approval of Planning Application PA-16-48 will supersede the current Minor Conditional Use Permit for the Berean Church; and therefore, Zoning Application ZA-10-22 shall be revoked at this location.

No ex-parte communications to report.

Mel Lee, Senior Planner, presented the staff report.

Commissioner Andranian asked if any other buildings at the proposed location had the similar conditional use permits as the proposed application. Mr. Lee responded only the proposed location and Building J. Commissioner Andranian also asked if the traffic study for the proposed application included the conditional use permit for Building J. Mr. Lee affirmed that it did.

Chair Dickson asked Mr. Lee if he had any comment on the proposed use not permitted in CC & R's that would impact the Planning Commission analysis. Mr. Lee clarified that the City does not regulate CC & R's, it only regulates the Zoning Code. The proposed use would be allowed under the Zoning Code with a conditional use permit.

PUBLIC COMMENTS

Debora Wondercheck, applicant, gave a presentation on the application and what is offered at the school.

Michael Kehoe, represents the Koll-Irvine Community Association, stated that a theater use was not permitted under the Zoning Code and stated concerns with the parking.

Matt Christensen, real estate broker for the applicant, stated reasons why the parking would work and was in support of the application.

Peter Kim, Pastor of the Berean Church, stated positive reasons for the proposed application to take over their building.

Philip Kim, member of the Berean Church, stated being in support of the application.

The Chair closed the public hearing.

Chair Dickson and Mr. Lee discussed the Zoning Code allowance of a theater use and parking concerns.

The Chair reopened the public hearing.

Commissioner Andranian asked the applicant if they would lease the building to other theater companies. Ms. Wondercheck responded no, it will be limited to only their own productions.

The Chair closed the public hearing again.

Chair Dickson asked for clarification that the Planning Commissioners are only concerned with the land use not the CC & R's; Yolanda Summerhill, Deputy City Attorney, responded that is correct. The Planning Commission only reviews the use and its compatibility.

The Commissioners stated their support of the application.

Mr. Lee noted that the City's Traffic Engineer recommended that Condition of Approval No. 1 be modified to replace "approximately" with "maximum".

MOTION: Move that based on the evidence in the record and the findings contained in Exhibit A and subject to the conditions contained within Exhibit B that the Planning Commission approve Planning Application PA-16-48 and that the Planning Commission find it exempt from the California Environmental Quality Act CEQA guidelines under guidelines section 15301 for existing facilities. And note that the application does state and the resolution does state that the current Minor Conditional Use Permit ZA-10-22 will be revoked at a future Planning Commission meeting with the following modification:

Condition of Approval No. 1 first two sentences to read: “The use shall be limited to the type of operation described in this staff report and herein: On a daily basis, a maximum of 15 students would arrive for instruction 4:00 pm to 9:00 pm, Monday through Friday. Summer camp instruction could accommodate a maximum of 40 students from 8:00 am to 3:00 pm, Monday through Friday, from June 15th through August 15th”.

Moved by Chair Dickson, second by Commissioner McCarthy.

RESOLUTION PC-16-31 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-16-48 FOR ARTS AND LEARNING CONSERVATORY AT 3184 AIRWAY AVENUE, SUITE A

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.

The Chair called for a break.

2. **Application No.:** PA-16-24
Applicant: Clarence Turner, Trico Realty
Site Address: 201-235 Paularino Avenue/ 3159-3169 Red Hill Avenue
Zone: MP, Industrial Park
Project Planner: Ryan Loomis
Environmental Determination:

The project is categorically exempt under Section 15311 of the State CEQA (California Environmental Quality Act) Guidelines – Class 11 (Accessory Structures).

Description: Conditional Use Permit PA-16-24 for shared parking between the properties at 201-225 Paularino Avenue (APN 427-011-03) and 3159-3169 Red Hill Avenue (APN 427-011-04). The building at 235 Paularino Avenue (APN 427-011-03) will be removed for additional parking. A total of 86,790 square feet of industrial uses are proposed to remain between the two properties. Required parking is 260 spaces; 298 spaces are proposed.

No ex-parte communications to report.

Ryan Loomis, Associate Planner, presented the staff report.

PUBLIC COMMENTS

Lester Ip, applicant, has read and agrees with the conditions of approval.

Jay Humphrey, Costa Mesa resident, asked if the applicant had to comply with the ADA accessibility requirements and suggested making the graphics more clear on what the final product would look like visually.

The Chair closed the public hearing.

Commissioner McCarthy asked for clarification on what the Commissioners were approving. Mr. Loomis responded the application is for parking only and some tentant improvements.

Chair Dickson asked Mr. Loomis to respond to the ADA compliance public comment. Mr. Loomis stated the ADA handicap access is a code requirement per Building Code.

Commissioner Sesler stated Condition of Approval No. 9 addresses the ADA compliance requirements.

MOTION: Hereby move that the Planning Commission approve Planning Application PA-16-24 for a conditional use permit to allow shared parking between 201-225 Paularino Avenue and 3159-3169 Redhill Avenue based on the findings set forth in Exhibit A and subject to the conditions set forth in Exhibit B and the exemption of California Environmental Quality Act Accessory Structure, Class 11, Section 15311 under the California Environmental Quality Act.

Moved by Commissioner McCarthy, second by Commissioner Andranian.

RESOLUTION PC-16-30 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-16-24 FOR THE SHARED PARKING BETWEEN THE PROPERTIES AT 201-225 PAULARINO AVENUE AND 3159-3169 RED HILL AVENUE

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.

4. **Application No.:** ZA-16-14 (PA-13-18 A2)
Applicant: Marice DePasquale
Site Address: 2957 Randolph Avenue
Zone: MG
Project Planner: Ryan Loomis
Environmental Determination:

The project is categorically exempt under Section 15301 of the State CEQA (California Environmental Quality Act) Guidelines – Class 1 (Existing Facilities).

Description: Second amendment of Conditional Use Permit PA-13-18, to allow live entertainment for an existing 10,000 square-foot microbrewery with a tasting room (Barley Forge). The proposed live entertainment will consist of live music acts for patrons visiting the tasting room. Typical acts proposed include jazz and blues combos; acoustic and traditional musicians; duos/trios; and singer/songwriters. Many of these musical acts will include amplified sound; however, all music will occur indoors. The live entertainment will be free of charge, and is proposed to end by 11 p.m., daily.

Two ex-parte communications to report: Commissioner McCarthy exchanged email with the applicant and Chair Dickson received an email from the applicant but did not respond.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked for clarification on why the item was not decided at the Zoning Administrator level. Mr. Loomis responded that based on concerns expressed by residents, staff determined that Planning Commission review was more appropriate.

Commissioners and Mr. Loomis discussed the proposed live music, if the applicant ever had applied for a live entertainment permit, the conditions addressing the music venue concern, signage, and noise complaints.

PUBLIC COMMENTS

Marice DePasquale, applicant, has read and agrees with the conditions of approval, responded to the noise complaint public comments, and Planning Commissioners concerns about dancing and special events.

Commissioner Andranian asked the applicant if they were the ones referenced to in the public comment about the Thursday night loud music. Ms. DePasquale responded no.

No public comment.

The Chair closed the public hearing.

Commissioner McCarthy stated supporting the application.

MOTION: Hereby move that the Planning Commission approve Planning Application PA-13-18 A2 (ZA-16-14) for second amendment to a conditional use permit to allow live entertainment for an existing 10,000 square-foot microbrewery (Barely Forge) located at 2957 Randolph Avenue based on the findings set forth in Exhibit A and subject to the conditions set forth in Exhibit B. Also find that it is exempt from California Environmental Quality Act based on 15301, existing facilities, of the California Environmental Quality Act guidelines with the following modification: Condition of Approval No. 7 to read: "There shall be no dance floor provided at the business, on a permanent or temporary basis". Moved by Commissioner McCarthy, second by Chair Dickson.

RESOLUTION PC-16-32 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-13-18 A2 (ZA-16-14) LOCATED AT 2957 RANDOLPH AVENUE

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.

5. **Application No.:** R-15-01 and PA-15-30
Applicant: Annette Wiley
Site Address: 375 Bristol Street
Zone: Existing: PDC (Planned Development Commercial) Proposed: C2 (General Business District)
Project Planner: Mel Lee

Environmental Determination:

An IS/MND was prepared for the project in accordance with the Lead Agency's Guidelines implementing the California Environmental Quality Act. The IS/MND is available for public review and comment from May 14, 2016 to June 12, 2016. The IS/MND found that the environmental effects from the project would be less than significant with the incorporation of standard conditions of approval and compliance with the Code requirements. The proposed project site is not on a list compiled pursuant to Government Code Section 65962.5.

Description: The proposed project involves the following:

1. **Initial Study/Mitigated Negative Declaration (IS/MND):** This document analyzes the environmental impacts of the proposed project. Significant environmental impacts are mitigated to below a level of significance.

2. **Rezone R-15-01:** An ordinance to rezone a 3.18-acre site from PDC (Planned Development Commercial) to C2 (General Business District).
3. **Planning Application PA-15-30:** Conditional Use Permit PA-15-30 for the demolition of the existing automotive center (Bristol Autoplex) and the development of a two-story, 774-unit mini-storage facility and 5,000 square-foot food court building. No code deviations are requested.

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

Mel Lee, Senior Planner, presented the staff report.

Vice Chair Mathews asked for clarification on the proposed building height. Mr. Lee responded that the three elevator shafts would be the highest portions of the buildings.

Commissioner McCarthy asked for guidance on evaluating the opposition comments made from tenants. Yolanda Summerhill, Deputy City Attorney, responded that the Planning Commission could use broad discretion and would look at how the proposed use is consistent with the findings under the Zoning Code.

PUBLIC COMMENTS

Paul Freeman, applicant, addressed the public comments about the food tenants and what termination process took place. Mr. Freeman also agrees with the conditions of approval except No. 19.

Annette Wiley, architect, presented a slideshow about the proposed application.

Chair Dickson asked if the applicant would be willing to underground utilities along Bristol Street. Mr. Freeman responded no but he would be willing to pay into a fund for future undergrounding.

Mae Ray stated concerns with the noise from the Autoplex and stated the location needs improvement.

Hilda Martinez, Costa Mesa resident, spoke in support of the application.

Newport Beach resident asked if there was a crime impact report for the application and why there was not 24-hour security required. He also stated concerns with noise, the after hour lighting in the back of the building and suggested raising the wall to eight feet.

Chelsie Sharp, tenant at the Autoplex, spoke against the application.

Sherry Kroeg, tenant at the Autoplex, spoke against the application.

Marc Prowse, tenant at the Autoplex, spoke against the application.

Isabella, tenant at the Autoplex, spoke against the application.

Olivia, tenant at the Autoplex, spoke against the application.

Shawn Bean spoke against the application.

Dan, tenant at the Autoplex, spoke against the application.

Wonda Pessy, speaking on behalf of Dave Pessy, spoke against the application.

Carter Grant, tenant at the Autoplex, spoke against the application.

Heather Davis, tenant at the Autoplex, spoke against the application.

Jay Humphrey, Costa Mesa resident, spoke against the application.

George Bean, tenant at the Autoplex, spoke against the application.

Jiyoung Yui, tenant at the Autoplex, spoke against the application.

John Le, tenant at the Autoplex, spoke against the application.

Tony, tenant at the Autoplex, spoke against the application.

Victor Alberez spoke against the application.

Teri Taylor spoke against the application.

Mr. Freeman responded to the public comments.

Commissioner Sesler asked Mr. Freeman if they considered a relocation fee and if it would be an option. Mr. Freeman responded no, they could not afford it but would be willing to discuss rent discounts.

Ms. Summerhill reminded the Planning Commission that this action will be going City Council for final approval and during that time some of the potential problems mentioned in this meeting could be resolved.

Commissioner Andranian asked the estimated cost of the project. Mr. Freeman stated from 11 to 13 million dollars.

The Chair closed the public hearing.

Commissioners discussed the project, the impact on the tenants, and whether to approve the project.

Vice Chair Mathews asked for clarification if the rezone had to be granted and if it is an act of discretion by the Planning Commission. Mr. Lee responded it is a discretionary act from the Planning Commission and City Council.

Chair Dickson asked Mr. Lee to explain the PDC (Planned Development Commercial) zone versus the C2 (General Business District). Mr. Lee responded self-storage is not allowed in the Planned Development Commercial zone which is why the applicant is requesting a rezone to C2 (General Business District).

MOTION: Hereby move that the Planning Commission recommend that the City Council deny adopting the Initial Study/Mitigated Negative Declaration (IS/MND) for the project, deny giving first reading to an ordinance giving Rezone 15-01 and deny Planning Application PA-15-30 a resolution to approve the project for a 774-unit self-storage facility and 5,000 square-foot food court building at 375 Bristol Street based on the findings for denial with the provision that the applicant work with the affected businesses on relocation plans and relocation assistance prior to the City Council hearing the project. Also, include in the motion for staff to bring to City Council the issue of the number of storage units in the City and the need for them.

Moved by Commissioner McCarthy, second by Commissioner Sesler.

RESOLUTION PC-16-33 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA RECOMMENDING THAT THE CITY COUNCIL NOT ADOPT THE INITIAL STUDY/MITIGATED NEGATIVE DECLARATION, AND DENY REZONE R-15-01 FOR A REZONE OF THE ZONING CLASSIFICATION OF A 3.18-ACRE DEVELOPMENT SITE FROM PDC (PLANNED DEVELOPMENT COMMERCIAL) TO C2 (GENERAL BUSINESS DISTRICT), AND DENY PLANNING APPLICATION PA-15-30 FOR THE DEMOLITION OF THE EXISTING AUTOMOTIVE CENTER (BRISTOL AUTOPLEX) AND THE DEVELOPMENT OF A TWO-STORY, 774-UNIT MINI-STORAGE FACILITY AND 5,000 SQUARE FOOT FOOD COURT BUILDING AT 375 BRISTOL STREET.

The motion carried by the following roll call vote:

Ayes: Mathews, McCarthy, Sesler, Andranian

Noes: Dickson

Absent: None

Abstained: None

DEPARTMENTAL REPORT(S)

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

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Ms. Summerhill announced a meeting happening on Wednesday at Saint Joachim Church to discuss the voter districting under the California Voting Rights Act.

ADJOURNMENT: THE NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON JUNE 27, 2016.

Submitted by:

CLAIRE FLYNN, SECRETARY
COSTA MESA PLANNING COMMISSION