

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

**January 25, 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](http://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: Claire Flynn, Assistant Development Services Director  
Yolanda Summerhill, Deputy City Attorney  
Bart Mejia, Acting Principal Chief Engineer  
Fidel Gamboa, Chief of Code Enforcement  
Mino Ashabi, Principal Planner  
Mel Lee, Senior Planner  
Dan Inloes, Senior Planner  
Ryan Loomis, Associate Planner  
Julie Colgan, Recording Secretary

**PUBLIC COMMENTS**

Beth Refakes, Costa Mesa resident, announced items to donate for 1/5 military Marines families for an Easter egg event.

A Costa Mesa resident announced a movie to see called the "Big Short" and mentioned things happening with the Episcopal Diocese in Los Angeles regarding title to local church properties.

Chair closed the public comments.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS**

Commissioner Andranian asked for a code enforcement activity update at a future meeting.

Commissioner McCarthy announced an opportunity to make public comments about the future of the Fairview Development Center happening on Saturday, February 6<sup>th</sup> and spoke about the cause of surges in our City building inspections.

Chair Dickson announced a website with information about the Fairview Development Center to give a comment about the future of it.

## CONSENT CALENDAR

Chair Dickson asked if anyone wanted to pull the Consent Calendar item. No one responded.

1. Minutes for the meeting of January 11, 2016

**MOTION: Approve Consent Calendar Item number 1  
Moved by Commissioner McCarthy, seconded by Commissioner Sesler.**

The motion carried by the following roll call vote:

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

Chair Dickson announced a new procedure where the clerk will ask for any ex-parte communications before each public hearing item.

## PUBLIC HEARINGS

1. **Application No.:** CO-15-05  
**Applicant:** City of Costa Mesa  
**Site Address:** Citywide  
**Project Planner:** Minoo Ashabi  
**Environmental Determination:**

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

**Description:** The Costa Mesa Planning Commission will hold a public hearing to consider Code Amendment CO-15-05 to amend Title 13, Chapter VII to update the Water Efficient Landscape Ordinance and corresponding guidelines per 2015 standards of State Department of Water Resources for the following:

- a) New construction of 500 square feet or more for all projects; previous thresholds: 2500 square feet for public and private development and 5000 square feet for owner built custom homes and;
- b) Rehabilitated landscape projects of 2,500 square feet requiring a building or landscape permit, plan check, or design review.

The new requirements also limits turf installation at residential properties to 25% maximum (non-residential installation, with the exception of recreational uses will not be allowed). The amendment to the ordinance is in response with the Governor's Executive Order issued on April 1, 2015 and the State Department of Water Resources updated requirements for landscaping and irrigations. The Water Efficient Landscape Guidelines will also need to be amended to include the latest required forms and formulas for calculation of allowable water usage.

No ex-parte communications.

Minoo Ashabi, Principal Planner, presented the staff report and mentioned a newer Appendix F to use.

Commissioner McCarthy asked what the City's role will be to inforce the Ordinance. Ms. Ashabi explained that the City regulates the type of planting installed and the type of irrigation.

Chair Dickson asked if there would be additional staff work because of the Ordinance. Ms. Ashabi responded only the annual report to State Department of Water Resources.

## PUBLIC COMMENTS

No public comments.

**MOTION:** Hereby move that the Planning Commission approve recommending that the City Council approve and give first reading to an Ordinance to adopt Code Amendment CO-15-05 an update and guidelines related to water efficient landscape requirements and adopt the resolution approving the 2016 Water Efficient Landscape guidelines as updated and include the updated Appendix F. Moved by Commissioner McCarthy, second by Commissioner Andranian.

The motion carried by the following roll call vote:

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

2. **Application No.:** PA-15-51  
**Applicant:** Majid Kayhan-Mahd  
**Site Address:** 1525 Mesa Verde East, Suite 124/125  
**Zone:** C1  
**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:** A conditional use permit for a request for live entertainment at Al Forno Caffe Italian Restaurant, a 2,400 square-foot restaurant located at 1525 Mesa Verde East, Suite 124/125. The restaurant is located within 200 feet of residentially zoned properties. The live entertainment will consist of one to three live entertainers who will play light background music for restaurant guests. Hours of live entertainment are proposed between 6PM to 11PM, daily.

No ex-parte communications.

Ryan Loomis, Associate Planner, presented the staff report.

Vice Chair Mathews asked for clarification in Condition No. 13 requiring on-site security. Mr. Loomis responded it is a standard condition and no extra security is needed because the center already has one.

Commissioner Andranian asked if barring amplified music could be added in the conditions of approval. Mr. Loomis responded yes. A condition could be amended to include no amplified music.

Chair Dickson asked what was covered under the public entertainment permits. Fidel Gamboa, Chief of Code Enforcement, responded that the public entertainment permits are set up with conditions of approval and staff can add any conditions to help regulate the concerns that might be occurring at the site.

## PUBLIC COMMENTS

Majid Kayhan-Mahd, applicant, has read the conditions of approval and explained what kind of music will be occurring at the restaurant.

No public comments.

The Chair closed the public hearing.

Commissioner discussed if the conditions of approval addressed the concerns of the amplified music.

**MOTION:** Hereby move that the Planning Commission approve Planning Application PA-15-51 for a conditional use permit to provide live entertainment in conduction with an existing restaurant Al Forno Caffè at 1525 Mesa Verde East, Suite 124/125, based on the findings set forth in Exhibit A and subject to the conditions set forth in Exhibit B with the following modifications:

**Condition of Approval No. 7 to read:** "Music shall not be audible beyond the area under control of the licensee and/or permittee".

**Condition of Approval No. 11 to read:** "The applicant shall defend, indemnify, and hold harmless the City, its elected and appointed officials, agents, officers and employees from any claim, action, or proceeding (collectively referred to as "proceeding") brought against the City, its elected and appointed officials, agents, officers or employees arising out of (1) City's approval of the project, including but not limited to any proceeding under the California Environmental Quality Act. The indemnification shall include, but not be limited to, damages, fees and/or costs awarded against the City, if any, and cost of suit, attorney's fees, and other costs, liabilities and expenses incurred in connection with such proceeding whether incurred by the applicant, the City and/or the parties initiating or bringing such proceeding. This indemnity provision shall include the applicant's obligation to indemnify the City for all the City's costs, fees, and damages that the City incurs in enforcing the indemnification provisions set forth in this section".

Moved by Commissioner McCarthy, seconded Vice Chair Mathews.

**RESOLUTION 16-03 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-51 LOCATED AT 1525 MESA VERDE EAST, SUITE 124/125**

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-15-50  
**Applicant:** John Wallace, Supply House LLC  
**Site Address:** 2960 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:** A conditional use permit for a proposed microbrewery with a tasting room (Gunwhale Ales) in a 3,710 square-foot lease area at 2960 Randolph Ave. The proposed business involves:

- **Tasting Room.** In conjunction with the brewing of artisan ales, proposed microbrewery will feature a 1,818 square-foot public area, comprised of an 898 square-foot indoor tasting room, 500 square-foot barrel room (used for occasional events), and a 420 square-foot outdoor patio space. In addition, the food and beverage service and retail

sales in the tasting room are proposed to be ancillary to the manufacturing of the microbrews.

- **Food supply from third party vendor.** The proposal does not include a commercial kitchen; food trucks, local restaurants, or outside catering businesses are intended to supply the food for the tasting room.
- **Alcohol sales for on-site and off-site consumption.** The use proposes alcohol sales for both on-site and off-site consumption. The business is subject to approval of a State Alcoholic Beverage Control (ABC) License Type 23 (Small Beer Manufacturer).
- **Hours of Operation: *For Microbrewery Operations:*** Proposed hours of operation are from 5AM to 12PM daily for brewing/blending of the artisanal products. ***For Tasting Room:*** Proposed hours of operation for the tasting room is 11AM to 12 midnight, Sunday through Wednesday, and 11AM to 8:30PM, Thursday through Saturday.
- **Parking.** The tasting room shall expressly not be open during the approved business hours for The Commissary Lounge, however will be open along with other uses that share parking, including 5 Elements MMA and Grand Prix Performance wheel shop. Code requires 24 parking spaces; 48 parking spaces are provided.
- **Deviation from Front Street Setback:** The proposal includes a request to encroach 2 feet into the front street setback for outdoor patio (10 feet required; 8 feet proposed).

Chair Dickson reported having two ex-parte communications with the applicant over the phone.

Ryan Loomis, Associate Planner, presented the staff report.

Commissioner McCarthy asked how food trucks are regulated. Mr. Gamboa explained all of the requirements from the Orange County Health Department and the City. He also addressed the land use issue when parking a food truck on private property.

Claire Flynn, Assistant Development Services Director, explained how the applicants request for a food truck is a component of their conditional use permit and another applicant could also ask for a food truck on their site by going through the conditional use permit application process.

Chair Dickson asked Mr. Gamboa to address the noise issue from public comments. Mr. Gamboa responded that staff is looking at other surrounding location's noise issues and parking is becoming an issue.

## **PUBLIC COMMENTS**

Bob Fitzgerald, founder of Gunwhale Ales, gave a presentation about their proposed business.

Commissioner McCarthy asked for clarification of the business operation. Mr. Fitzgerald explained that the proposed business is primarily a place to taste their product and sells would occur off-site.

Chair Dickson asked if Mr. Fitzgerald read the conditions of approval and is in agreement. Mr. Fitzgerald responded yes. Chair Dickson also asked if the food trucks would only serve the patrons of Gunwhale Ales. Mr. Fitzgerald responded yes.

David Smith, Costa Mesa resident, spoke against the application.

Mary Ann Frericks, Owner of Barley Forge, stated concerns with the traffic and parking caused by food trucks.

Greg Nylen, Owner of Barley Forge, spoke against the application.

Commissioner McCarthy asked for clarification with the type 23 license and how it applies to the proposed application. Yolanda Summerhill, Planning Commission Counsel, responded that the City focus is on the use of the application. The issuance of the type 23 license would be handled by the State's Alcohol Beverage Control department.

Mr. Fitzgerald responded to the public comments.

The Chair closed the public hearing.

Vice Chair Mathews asked for clarification on the difference with allowing the proposed application to have food truck versus Barley Forge not being allowed. Mr. Loomis responded it might have been because of the parking.

Ms. Summerhill explained a conditional use permit is a discretionary approval where each application is looked at individually so there would not be identical standards and conditions set in place.

Commissioners and staff discussed the food truck concerns and the parking calculation formula.

Chair reopened the public hearing.

Mr. Fitzgerald stated the food truck would not be there permanently.

The Chair closed the public hearing.

The Commissioners discussed the application in length about whether to approve the food truck use, hours of operation, and the parking issues in the area.

Chair Dickson asked how the parking was calculated. Mr. Loomis responded by going over the businesses adjacent and what parking is allowed based on their conditional use permit and calculated based on square footage.

Ms. Flynn stated that the applicant indicated that they would be able to meet the hours of operations and the requirement of not using the parking area after 8:30 p.m.

**MOTION: Based in the evidence in the record and the findings contained in Exhibit A and the conditions of approval contained in Exhibit B, that the Planning Commission approve PA-15-50 with the following modifications:**

**Condition of Approval No. 19 to read: "No on-site food preparation is permitted; however, the intermittent use of food service from a food truck may be offered to patrons in the tasting room and outdoor areas only. The food truck shall park within a parking space designated for the use".**

**New Condition of Approval No. 24 to read: "Development Services Director will evaluate the compliance of the business according to the conditions of approval, including the intermittent use of the food truck. A review of the Conditional Use Permit shall be requested after six months after opening, if deemed necessary".**

**Moved by Chair Dickson, seconded by Commissioner Andranian.**

**RESOLUTION PC-16-04 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING CONDITIONAL USE PERMIT PA-15-50 FOR OPERATION OF A MICROBREWERY (GUNWHALES ALES).**

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.:** PA-02-50 A2  
**Applicant:** Tim Johnson  
**Site Address:** 512, 516, and 540 West 19<sup>th</sup> Street, and 1913 Harbor Boulevard  
**Zone:** C2  
**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:** Second amendment to Conditional Use Permit PA-02-50 to provide additional valet parking spaces in conjunction with an expansion of an existing restaurant (Social Costa Mesa). The valet plan previously approved under the first amendment to PA-02-50 (ZA-14-40) included 9 on-site valet spaces at 512 W. 19<sup>th</sup> Street and 12 off-site valet spaces at 540 W. 19<sup>th</sup> Street (21 spaces total). The existing square footage of Social (512 W. 19<sup>th</sup> Street) is 3,200 square feet; the proposed expansion (516 W. 19<sup>th</sup> Street) is 1,600 square feet (4,800 square feet total); 52 parking spaces are required with the proposed restaurant expansion. The updated parking plan includes 17 on-site valet spaces at 512 and 516 W. 19<sup>th</sup> Street, 20 off-site valet spaces at 540 W. 19<sup>th</sup> Street, and 15 off-site valet spaces at 1913 Harbor Boulevard (52 spaces total proposed). Hours of operation will continue to be 5:00 pm to 12:00 midnight, Tuesday through Saturday (no change proposed).

Mel Lee, Senior Planner, presented the staff report.

Commissioner McCarthy asked who was in opposition of the application. Mr. Lee responded abutting property owners and based on the correspondence received for tonight's meeting the applicant worked out the issues of previous complaints.

Chair Dickson asked Mr. Gamboa to give an update on what Code Enforcement staff observed with the parking at Social. Mr. Gamboa responded Code Enforcement officers went out as part of their nightly patrols and did not observe any of the original concerns.

**PUBLIC COMMENTS**

Andrew Dorsey agreed with the conditions of approval, presented a video about their business, explained what they did to eliminate noise to the neighbors and why valet service will work for them.

Jason Liddell, Superior Valet Services, explained the purpose of the valet parking.

No public comments.

The Chair closed the public hearing.

Commissioner McCarthy stated he likes seeing a committed applicant that is making their business venture work and will be supporting the application.

Chair Dickson stated supporting the application based on the applicant's commitment, desire to expand and making the parking work.

**MOTION:** Hereby move that the Planning Commission approve the second amendment to Planning Application PA-02-50 A2 to provide additional specified off-site valet parking areas in conjunction with the expansion of an existing restaurant (Social Costa Mesa) at 512 and 516 West 19<sup>th</sup> Street based on the findings set forth Exhibit A and subject to conditions set forth in Exhibit B with the following modification:

**New Fire Code Requirement No. 10 to read:** "Provide a fire sprinkler system for the existing restaurant space and the proposed expansion in accordance with NFPA 13, at the applicant's expense".

Moved by Commissioner McCarthy seconded by Chair Dickson.

**RESOLUTION PC-16-05 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-02-50 A2 TO PROVIDE ADDITIONAL OFF-SITE VALET PARKING SPACES IN CONJUNCTION WITH AN EXPANSION OF AN EXISTING RESTAURANT (SOCIAL COSTA MESA) AT 512 AND 516 W. 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.

5. **Application No.:** PA-15-47 & TT-17984  
**Applicant:** Jennifer Nguyen  
**Site Address:** 548 Victoria Street  
**Zone:** R2-MD  
**Project Planner:** Dan Inloes

**Environmental Determination:**

The project is categorically exempt under Section 15332 of the State CEQA (California Environmental Quality Act) Guidelines – Class 32 (In-Fill Development).

**Description:** The proposed project involves the following:

1. **Planning Application PA-15-47:** Design Review to construct a five-unit, two-story, small lot subdivision on an 18,500 sq. ft. lot in an R2-MD zone. The project complies with the small lot subdivision development standards and residential design guidelines. Each unit will have direct access from Miner Street with its own driveway and pedestrian approach. The two-story detached homes consist of 4 bedrooms, 3 bathrooms, and a two-car garage with a minimum interior dimension of 20 feet by 20 feet.
2. **Tentative Tract Map TT-17984:** A subdivision in accordance with small lot subdivision standards to create five fee simple lots.

Chair Dickson stated having ex-parte communication by phone with the applicant. Vice Chair Mathews, Commissioner Sesler and Commissioner Andranian stated having ex-parte communication by meeting with the applicant.

Dan Inloes, Senior Planner, presented the staff report and stated the applicant is not in agreement with the condition to underground the two utility poles that exist on the property.



Commissioner Andranian asked if the applicant met all the development standards required by the City. Mr. Inloes responded yes. The application met all the open space requirements, private space requirements, all the set-back requirements, residential development guidelines requirements and all parking requirements.

Commissioner McCarthy stated the Small Lot Ordinance helped this project to meet all of the City requirements.

Chair Dickson asked Bart Mejia, Acting Principal Civil Engineer, to explain about the City looking into closing off the cul-de-sacs at the end of Minor Street from pedestrian access to Victoria Street. Mr. Mejia responded that the Public Services department is working on surveying the possible closure of all of the openings on Victoria Street between Harbor Boulevard and National Street. The results of the survey will be presented at the second City Council meeting in February and will be recommended for permanent closure to all of those openings. The Commission could recommend that the Public Services department work with the developer for the temporary closure of the opening off Minor Street during the development.

### **PUBLIC COMMENTS**

Jennifer Nguyen, applicant, agreed with the conditions of approval except undergrounding the utilities in front of the property and gave a detailed presentation of the proposed project.

Chair Dickson asked about an explanation about how the applicant came up with the pricing for undergrounding the utilities. David Nguyen, projects technical advisor, explained that he got the cost based on his correspondence with Edison and from his own experience.

Pamela Frankel, Costa Mesa resident, requested that the decorative wall be raised to 8 feet for privacy and stated concerns with the drainage onto Myran Drive and the construction hours.

Mr. Inloes responded to the public comment.

Ms. Flynn stated the City's construction hours.

Mr. Nguyen responded to the public comment about the decorative wall by stating that the potential home buyers might not like the high wall.

The Chair closed the public hearing.

Vice Chair Mathews stated it is a fantastic project and thanked the applicant for a great project.

Chair Dickson stated being in support of the project.

The Commissioners discussed whether to require or remove the condition of undergrounding the front utility pole, closing the access point, requiring an eight foot wall instead of a six foot wall.

**MOTION: 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 approve Planning Application PA-15-47 and Tentative Tract Map TT-17984 and that the Planning Commission find that the project is exempt from the requirements of the California Environmental Quality**

Act under categorically exemption under CEQA Guidelines section 15332 for In-fill Developments. And a recommendation to the City Council that staff work with the applicant to come up with a plan to close the pedestrian access from Victoria Street at the cul-de-sac at Minor Street on both sides and that they recommend to City Council that gets included in the permanent solution when brought up to City Council when they review the cul-de-sac closures on Victoria Street. And that solution also gets timed whether it be a temporary or permanent closure during that construction period with the following modifications:

Striking Condition of Approval No. 16 and;

Striking the Condition of Undergrounding the Utilities in Exhibit B1 No. 10

Moved by Chair Dickson, seconded by Vice Chair Mathews.

**RESOLUTION PC-16-06 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-15-47 AND TENTATIVE TRACT MAP TT-17984 FOR PROPERTY LOCATED AT 548 VICTORIA 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)**

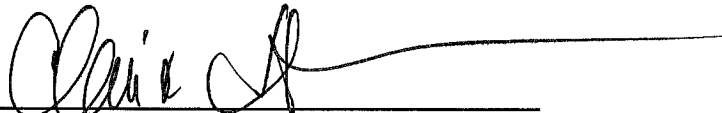
1. Public Services Report – Mr. Mejia reported about two projects happening in the City. First was the Del Mar Avenue entry way improvements. Construction has started and he will bring pictures to show the Commissioners once it is completed. Second was the Gateway Landscape improvements at the end of the 55 Freeway and the monument sign should be in within the next couple of weeks. He will bring in pictures of that also.
2. Economic and Development Services Report – Ms. Flynn reported that the construction hours allowed on Saturday are from 9 a.m. to 6 p.m. not 8 a.m. to 5 p.m. and will let Ms. Frankel know.

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

1. City Attorney – none.

**ADJOURNMENT: NEXT PLANNING COMMISSION MEETING AT 6:00 P.M. ON FEBRUARY 8, 2016.**

Submitted by:



CLAIRE FLYNN, SECRETARY  
COSTA MESA PLANNING COMMISSION