

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

**October 24, 2022**

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 p.m.

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Chair de Arakal led the Pledge of Allegiance.

**ROLL CALL**

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Dianne Russell, Commissioner Johnny Rojas, Commissioner Russell Toler, Commissioner Jimmy Vivar

Absent: Commissioner Adam Ereth

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Associate Planner Christopher Yeager, Assistant Planner Jeffrey Rimando, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None

**PUBLIC COMMENTS:**

Jay Humphrey, Costa Mesa resident, requested an update on a proposed joint meeting with the Planning Commission and City Council on Inclusionary Housing, and also spoke on his concerns regarding ballot Measure K.

Costa Mesa resident, spoke on her noise concerns regarding Gym 12 at 140 17<sup>th</sup> Street.

Speaker 3, spoke on her concerns on the City's Housing Element submittal and transparency.

Speaker 4, spoke on housing construction and transparency.

Speaker 5, spoke on her concerns regarding ballot Measure K.

## **COMMISSIONER COMMENTS AND SUGGESTIONS:**

Chair de Arakal asked Director of Economic and Development Services Jennifer Le to provide a brief update on the City's Housing Element in response to public comments.

Ms. Le gave an update on the City's Housing Element document and a brief history. Ms. Le indicated that staff submitted the adopted draft to the State for certification, which the State responded with additional comments to the City in April, 2022. Ms. Le noted this information can be found on the City's website.

Chair de Arakal also addressed a question from Jay Humphrey regarding a joint study session with the City Council on an Inclusionary Housing Ordinance for the City. Ms. Le will follow-up on this request.

Commissioner Vivar thanked the public for attending tonight's meeting.

Commissioner Toler thanked the public for attending the meeting and addressed the speakers concerns on the gym noise in her neighborhood. He also commented on the approval of the adult day care center from last meeting.

Commissioner Russell also thanked the public for attending the meeting, their public comments and reminded the public to vote in the upcoming election.

Vice Chair Zich remarked on Commissioner Toler's previous comments. He also asked Ms. Le to comment on the "builders remedy" upcoming deadline and if that would impact our Housing Element submittal.

Ms. Le noted the City Attorney's office is looking into the "builders remedy" deadline.

## **CONSENT CALENDAR:**

None.

## **PUBLIC HEARINGS:**

### **1. PLANNING APPLICATION 22-35 FOR A CONDITIONAL USE PERMIT TO OPERATE A NEW CONVENIENCE STORE WITH SALE OF ALCOHOLIC BEVERAGES AND OFF-SITE CONSUMPTION FOOD ITEMS AT 1500 ADAMS AVENUE, SUITE 104A**

**Project Description:** Planning Application 22-35 is a request for a Conditional Use Permit (CUP) to operate a new convenience store with sale of alcoholic beverages (Type 21 ABC License) and pre-prepared food items for off-site consumption. The proposed hours of operation are Sunday through Wednesday 9:00 AM to 8:00 PM and Thursday through Saturday 9:00 AM to 10:00 PM. No outdoor uses are proposed.

**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications to report.

Assistant Planner Jeffrey Rimando, presented the staff report.

**Commission and Staff:**

Commissioner Vivar asked whether their previous business was located in the same census tract and had the same Type 21 ABC license.

Mr. Rimando noted the previous business was not in the same census tract and had the same Type 21 license.

Discussion ensued regarding the proposed hours of operation as noted in staff's conditions of approval.

**The Chair opened Public Hearing.**

Michael Cho, authorized agent for the applicant, stated he read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Mr. Cho thanked staff and provided an overview of the application. He noted Condition of Approval No. 36 may be incorrect after speaking with Assistant Director Scott Drapkin prior to the meeting.

Commissioner Vivar asked the applicant on their adding sandwiches and specialty foods to their new business.

Mr. Cho noted the applicant did not have the ability to have food service at their old location, which the applicant always intended to add to the business.

Vice Chair Zich asked whether the food service was a lease restriction at their old location.

Mr. Cho noted it was not a lease restriction, rather limited space and not being able to add a kitchen with plumbing which prompted the applicant to find a new space.

**The Chair opened Public comments.**

**PUBLIC COMMENT:**

Speaker 1 spoke in favor of the business.

**The Chair closed the public hearing.**

Commissioner Toler made a motion, seconded by Commissioner Russell.

Commissioner Toler, Commissioner Russell, Commissioner Vivar, Vice Chair Zich spoke in favor of the motion.

Chair de Arakal spoke in support of the motion.

**MOVED/SECOND:** Toler/Russell

**MOTION:** Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Rojas, Russell, Toler, Vivar

Nays: None

Absent: Erith

Recused: None

Motion carried: 6-0

**ACTION:** The Planning Commission adopted a resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 (Class 1), Existing Facilities and;
2. Approve Planning Application 22-35, subject to conditions of approval.

**RESOLUTION PC-2022-28 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-35 FOR A CONVENIENCE STORE (THE MIXING GLASS) WITH SALE OF ALCOHOLIC BEVERAGES UNDER A STATE ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 21 LICENSE (ON-SALE GENERAL) AT 1500 ADAMS AVENUE SUITE 104A**

The Chair explained the appeal process.

2. **A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE APPROVING CODE AMENDMENT CO-2022-XX AMENDING CHAPTER V, ARTICLE 1, SECTION 13-35 (ACCESSORY DWELLING UNITS) OF TITLE 13 OF THE COSA MESA MUNICIPAL CODE TO CLARIFY EXISTING ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW (CODE AMENDMENT CO-2022-01)**

**Project Description:** Costa Mesa Municipal Code Section 13-35 Accessory Dwelling Unit (ADU) Amendment to update the City's Accessory Dwelling Unit provisions. The purpose of the proposed Zoning Ordinance amendment is to comply with recent

changes in State ADU Laws, to clarify certain existing local ADU provisions, and to provide additional local ADU development standard flexibilities. The Planning Commission will consider the proposed amendments and make a recommendation to the City Council.

**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), in that adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1, 65852.150 and 65852.2 is exempt from the requirements of CEQA. In addition, the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that the minor updates to the City's ADU provisions will not have a significant impact on the environment.

No ex-parte communications to report:

Associate Planner Christopher Yeager, presented the staff report.

**Commission and Staff:**

Commissioner Vivar asked Mr. Yeager to clarify the processing issues that were mentioned in the presentation.

Mr. Yeager noted there is a 60-day time limit to process ADU requests, plus other standard practices that the City has already adopted.

Discussion ensued regarding open space requirements for lots or other areas for the community or neighborhood that would be available for the residents, and the four-foot setback requirements from the property line.

Commissioner Rojas asked for clarification on the multi-family dwelling unit ADU's allowed and square footage.

Commissioner Toler requested a brief recap on parking requirements for ADU's.

Mr. Yeager noted the current ordinance does not require parking for any ADU's because the State would not allow any local jurisdictions to require parking if it is located within a half-mile from public transit, which the vast majority of the City is.

Discussion ensued regarding side street set-backs and alley setbacks, and if the standards differ for each.

Commissioner Toler also asked for clarification on the size of ADU's above garage areas, which Mr. Yeager noted could not exceed the square footage of the garage.

Discussion ensued regarding balcony locations, outside stairways and the 27-foot rule for second stories.

Vice Chair Zich asked whether the ADU's can be rented out, which Mr. Yeager noted they can be rented along with the primary residence, however short-term rentals are prohibited.

Discussion ensued regarding roof decks not being allowed for ADU's and walkways for access to the ADU's.

Vice Chair Zich asked for clarification on the number of ADU's allowed for multi-family developments.

Chair de Arakal asked for clarification on the number of ADU's allowed on multi-family or single-family parcels, which Mr. Yeager answered.

Discussion ensued regarding the placement of balcony's only in the front of the property, in order to give privacy to the backyards of the neighbors.

**The Chair opened the Public Hearing:**

The Chair opened Public Comments.

**PUBLIC COMMENT:**

None.

**The Chair closed Public Comment.**

Commissioner Vivar asked whether the ordinance will have restrictions regarding windows facing backyards.

Mr. Yeager noted the new ordinance will restrict windows on a second story ADU within 25 feet of a neighboring dwelling to have 5-foot ceiling heights in order to restrict views into neighboring properties.

Discussion ensued regarding lots, junior accessory dwelling units and parcel maps.

Chair de Arakal commented on allowing junior accessory dwelling units on a lot with multiple single-family dwelling units.

Vice Chair Zich requested clarification on the number of ADU's a multi-family parcel would be allowed to add to the lot.

Mr. Yeager noted two 800-square-foot ADU's would be allowed on this type of lot.

Discussion ensued regarding State law and square footage of ADU's.

**The Chair re-opened Public Comments to allow a member of the public to speak.**

Speaker 1 noted she had applied for an ADU and requested approval. Chair de Arakal asked staff to meet with the speaker after the meeting to get contact information and follow-up with the speaker.

Commissioner Toler asked whether a two story ADU is allowed with a single-level home.

Mr. Yeager noted height restrictions apply to what you can legally construct on a lot, which is 25 feet high.

Discussion ensued on non-conforming uses and square footage allowed for an ADU.

**The Chair closed the Public Hearing.**

Chair de Arakal made a motion, seconded by Commissioner Vivar.

Commissioner Vivar spoke in favor of the motion.

Commissioner Toler asked that aesthetic requirements be added for garage door façade conversions, acknowledge differences when assessing exterior stairs and entrance requirements, and additional nuanced requirements for balcony requirements and privacy.

Commissioner Russell supports the motion, and making sure that the City makes it easier for the building of ADUs.

Vice Chair Zich spoke in favor of the motion and would like the four-foot side and rear setback for ADUs looked at to prohibit mechanical equipment placed there. He also commented on loosing open space when adding ADUs, increased parking on streets and affordability.

Chair de Arakal commented that anything the City can do to add housing stock is positive and spoke on housing affordability.

**MOVED/SECOND:** de Arakal/Vivar

**MOTION:** Move staff's recommendation with added recommendations to City Council. The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Rojas, Russell, Toler, Vivar

Nays: None

Absent: Ereth

Recused: None

Motion carried: 6-0

**ACTION:** The Planning Commission adopted a resolution to:

1. Find that adoption of this resolution is exempt from the California Environmental Quality Act (CEQA) pursuant to the Public Resources Code Section 21080.17 and CEQA Guidelines Section 154282(h), in that the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1, 65852.150 and 65852.2 is exempt from the requirements of CEQA. In addition, the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that there is no possibility that the minor updates to the City's ADU provisions will have a significant impact on the environment; and
2. The Planning Commission recommends the City Council approve the ordinance attached hereto as Exhibit A with the added recommendations to City Council below.

**ADDED RECOMMENDATIONS TO CITY COUNCIL:**

- Look for ways to continue to facilitate the development of additional ADUs within the City including considering allowing one ADU per unit on a common interest development property.
- Prohibit mechanical equipment placement within required four-foot side and rear setback for ADUs.
- Look to reduce the occurrence of poorly designed garage facades that are converted into ADUs including providing additional requirements related to the garage door façade conversion.
- Acknowledge the difference between public facing property lines including front property lines, street side yard property lines, and alley property lines when assessing exterior stairs and entrance requirements for ADUs.
- Provide additional nuanced requirements for balcony location to ensure privacy for neighboring properties and allowing for eyes on the street.

**RESOLUTION PC-2022-29 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE APPROVING CODE AMENDMENT CO-2022-XX AMENDING CHAPTER V, ARTICLE 1, SECTION 13-35 (ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW**

**DEPARTMENTAL REPORT(S)**

1. Public Services Report – None

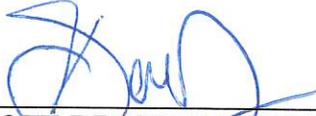
2. Development Services Report – Ms. Le thanked staff for their hard work, and noted that staff served numerous customers this year.

**CITY ATTORNEY’S OFFICE REPORT(S)**

1. City Attorney – None.

**ADJOURNMENT AT 8:23 P.M.**

Submitted by:



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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION