MEETING MINUTES OF THE CITY OF COSTA MESA PLANNING COMMISSION

OCTOBER 14, 2024

CALL TO ORDER

Chair Ereth called the meeting to order at 6:04 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair Ereth led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Adam Ereth, Vice Chair Russell Toler, Commissioner Angely Andrade, Commissioner Karen Klepack, Commissioner David Martinez, Commissioner Jon Zich

Absent: Commissioner Jonny Rojas

Officials Present: Assistant Director of Development Services Scott Drapkin, Planning and Sustainable Development Manager Bill Rodrigues, Director of Public Works Raja Sethuraman, Assistant City Attorney Tarquin Preziosi, Senior Planner Chirs Yeager, Associate Planner Justin Arios, Assistant Planner Christopher Aldana, City Engineer Seung Yang, and Recording Secretary Anna Partida

ELECTION OF OFFICER:

1. SELECTION OF LIAISON TO THE HOUSING AND PUBLIC SERVICE GRANT COMMITTEE

Commissioner Martiez nominated himself. Seconded by Chair Ereth.

Commissioner Matinez spoke on his motion noting that he had requested the vacancy to be agenized and emphasized the importance of filling the position.

Vice Chair Toler commented on the motion, expressing support for Martinez, stating that he would be an ideal candidate. Vice Chair Toler noted that Commissioner Martinez is thorough, does his homework, and gets into the details, which is important because the role is more complex than it appears.

MOVED/SECOND: Martinez/Ereth
MOTION: Appoint Commissioner David Marinez as the Planning Commission liaison to the Housing and Public Service Grant Committee.

The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Klepack, Martinez, Zich
Nays: None
Absent: Rojas
Abstained: None
Motion carried: 6-0-1

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Jay Humphrey, a Costa Mesa resident, raised two concerns during public comment. First, he reiterated ongoing issues with e-bikes and encouraged continued efforts to address the growing problem. Second, he emphasized the poor sound quality and lack of hearing accessibility in four public meeting spaces in the city: two public meeting rooms at City Hall, Norma Hertzog Community Center, and the Senior Center. He noted that these venues have outdated or inadequate sound systems, making it difficult for those with hearing impairments, including himself, to participate in meetings. He urged the city to address these issues to ensure better public participation and decision-making.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Zich acknowledged Mr. Humphrey's remarks and welcomed everyone in attendance. He emphasized that public participation improves the decision-making process and expressed appreciation for those present, whether observing or actively participating.

Commissioner Martinez reminded the public to slow down on Wednesday morning October 16, 2024 for Walk to School Day to ensure children's safety. He also announced a virtual Fair Housing Workshop on Tuesday, October 22, at 1:30 PM, and a Planning Meeting for future housing and community development funds on Thursday, October 24, at 6 PM at the Norma Hertzog Community Center. Finally, he reminded everyone that Election Day is on November 5 and encouraged the community to vote.

Commissioner Klepack acknowledged National Arts and Humanities Month and shared her experience attending the third annual Art Crawl, organized by the Parks and Community Services Department. She described the all-day shuttle event, which included visits to the Jewel Dome at South Coast Plaza, Sean Woolsey's studio, where high-end gaming tables are crafted, and Art Times Ceramics, a new woman-owned business in the city. She encouraged everyone to sign up for next year's event, highlighting it as a great way to explore different parts of the city.

Vice Chair Toler shared that he attended the Scarecrow Festival and gave a shout out to the Parks and Recreation Department for organizing the event. He noted it was a huge success with many people enjoying the afternoon. He also acknowledged that staff from other departments contributed to the event's success and commended everyone involved.

Chair Ereth shared a personal experience where he and his dog, Willie Nelson, had a close call with a car while crossing the street near Adams Elementary. This incident highlighted the importance of the community's ongoing efforts to improve pedestrian and bike lane safety. He emphasized that enhancing safety for non-car travelers is crucial and supports the direction the city is taking to ensure a safer experience for all.

CONSENT CALENDAR:

No member of the public nor Commissioner requested to pull a Consent Calendar item.

1. **APPROVAL OF MEETING MINUTES: SEPTEMBER 23, 2024 UNOFFICIAL MEETING MINUTES AND MARCH 28, 2022 UNOFFICIAL MEETING MINUTES**

   MOVED/SECOND: Martinez/Toler
   MOTION: Approve recommended action for Consent Calendar Item No. 1.
   The motion carried by the following roll call vote:
   Ayes: Ereth, Toler, Andrade, Klepack, Martinez, Zich
   Nays: None
   Absent: Rojas
   Abstained: None
   Motion carried: 6-0-1

   ACTION: Planning Commission approved the minutes of the regular meetings of the September 23, 2024 and March 28, 2022.

PUBLIC HEARINGS:

1. **MASTER PLAN (PMAP-24-0003) FOR THE DEVELOPMENT OF A NEW COSTA MESA FIRE STATION NO. 2 WITH MINOR CONDITIONAL USE PERMIT FOR TEMPORARY MANUFACTURED STRUCTURES LOCATED AT 800 BAKER STREET**

   Project Description: Master Plan (PMAP-24-0003) with Minor Conditional Use Permit to allow the development of a new Costa Mesa Fire Station No. 2 consisting of a new 8,360-square-foot fire station with a double-deep apparatus bay and administrative, storage, and living areas. Additional site improvements include a new drive aisle, two visitor parking spaces, and bike rack at the front of the property; a new covered crew parking area in the rear parking lot; new perimeter walls, new landscaping, and new utility connections. Accessory structures including a hose

tower, generator, and fuel tank will be relocated. The development will be constructed in two phases and will include temporary crew quarters, apparatus bay, and storage to ensure that the facility remains operational during construction.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15302 (Class 2) Replacement or Reconstruction.

Two ex-parte communications were reported;

- Chair Ereth disclosed that he attended the open house at the fire station on Adams a little over a week ago, where plans were displayed regarding a proposal. He mentioned asking the fire chief for clarification on the renderings but noted that was the extent of his involvement.

- Commissioner Andrade disclosed that she also attended the open house at the fire station, where she saw the plans, spoke with staff, and received a tour of the site.

Chris Yeager, Senior Planner, presented the staff report.

The Commission asked questions of staff including discussion of:

Commissioner Zich asked staff two questions regarding the presentation. First, he inquired about the absence of skylights in the renderings, asking if this was a design choice or an overlooked detail. Staff clarified that no skylights were proposed, but if added, they would not require another public hearing. Second, Commissioner Zich asked if the covered parking would include a solar panel structure. Staff responded that the current proposal includes a carport, and the architectural team could provide further details.

Commissioner Martinez asked about the connection between the Planning Commission hearing this evening and the City Council's meeting scheduled for tomorrow evening, and staff explained that the Planning Commission was considering approving the master plan, while the City Council would address project-related finances and contracts. Commissioner Martinez inquired about fire truck operations during construction, with staff explaining that trucks would temporarily use Randolph Street instead of Baker Street. He also raised concerns about the removal of trees, and staff noted one tree's proximity to the building and the other's interference with site circulation. Commissioner Martinez asked about utility replacements, and staff confirmed new connections would be made. He also inquired about the fire station's natural gas connection, with staff agreeing to follow up. After asking about feedback from the August community meeting, staff explained that design changes reflected a preference for a traditional exterior. Commissioner Martinez also discussed walk-up services, which are rare but occur at Fire Station No. 2. Commissioner Martinez inquired about the apparatus

stationed here. Commissioner Martinez inquired if use of Randolph Avenue by fire apparatus had been the source of resident complaints. Commissioner Martinez confirmed with staff that the traffic signal on Baker Street would remain. Lastly, he raised concerns about the new driveway's effect on pedestrian safety and the narrowing of the bike lane on Baker Street, and staff assured him they would address the bike lane and noted that the new driveway design aimed to reduce fire truck traffic on residential Randolph Street.

Vice Chair Toler expressed concerns about potential noise from the new fire station and asked if any analysis had been conducted to assess whether the facility would be more or less noisy. Staff responded that no acoustical study had been conducted, but since the fire station has been in operation for 58 years, removing trucks from Randolph Avenue would likely reduce some of the noise affecting nearby residents.

Commissioner Zich referenced the staff report stating that the fire station was built in 1966 and asked if staff knew when the surrounding residential development was constructed. Staff responded that while they did not have the exact year, the residential development was built after the fire station, meaning residents were aware they were moving in next to a fire station.

Commissioner Andrade expressed appreciation for the information on walk-up services at the fire station and shared her experience from visiting the open house. She noted the difficulty of crossing Baker Street, as she had to walk all the way to Bristol Street to cross the road and raised concerns about improving accessibility and walkability. She suggested considering the creation of a crosswalk to make it easier for people to access the fire station from the opposite side of Baker Street. City Engineer Yang responded that the Public Works Department would consider this request in conjunction with the architect as the project advances.

The Chair opened the Public Hearing.

Jaime Moreno, applicant, stated he had read and agreed to the conditions of approval.

Jamie Moreno responded to earlier comments made by Commissioner Martinez and Commissioner Zich, noting that the carport design will account for solar panels as part of the effort to achieve LEED Gold certification for the project. Mr. Moreno also mentioned that the natural gas connection is something they will continue to evaluate and discuss with civil and plumbing engineers as the design development progresses.

The Commission asked questions of the applicant including discussion of:

Commissioner Zich asked two questions. First, he inquired whether skylights were being considered. The applicant responded that while they typically use solar tubes

in flat-roofed areas like hallways, it's something they will consider as the project develops. Commissioner Zich then asked if the facility was lacking anything that the Fire Department might ideally want but wouldn't mention directly. Mr. Moreno explained that they've worked closely with the Fire Department to meet all their needs, but one area that requires further consideration is acoustics, specifically how to reduce noise for the neighboring community. He indicated that this is the primary aspect still under study.

Commissioner Martinez asked about the fire station's compliance with the 25% floor area ratio (FAR), and the architect confirmed that the design was tailored to stay within this limit while meeting the Fire Department's needs. Staff acknowledged that early discussions considered a larger station, but the current design avoids the need for a General Plan Amendment, which would have been necessary if the project was over the allowable FAR. Commissioner Martinez also inquired if any features were cut to meet the FAR, with staff noting that the only area needing further study was acoustics to minimize noise for neighbors. He asked about the new return driveway, which was designed based on Fire Department needs to reduce truck traffic on residential Randolph Avenue. Regarding walk-up services, the Fire Department explained that while they don't handle administrative business, they frequently assist residents, and the new visitor parking spaces will improve access. Finally, Commissioner Martinez asked about challenges with using Randolph Avenue, and the Fire Department confirmed that Baker Street access will reduce noise and improve safety, while pedestrian access concerns will be reviewed by Public Works.

Commissioner Andrade commented that noise from fire station operation are not likely to be louder than ambient noise from nearby freeway and appreciates the Fire Department being great stewards of the community. Commissioner Andrade inquired of Fire Department representatives if a mid-block crosswalk might be beneficial. Assistant Fire Chief Pyle responded and suggested that Public Works would be better to address this.

The Chair opened public comments.

Jay Humphrey spoke in support of the item.

Cynthia McDonald spoke in support of the item.

The Chair closed public comments.

Commissioner Martinez asked whether the Fire Station's signal system, which triggers the traffic light when fire trucks leave, would also be used to trigger the signal for their return, or if it would be a normal unprotected left turn. Staff responded, confirming that the return would involve an unprotected left turn.

The Chair closed the Public Hearing.

Chair Ereth made the motion. Seconded by Vice Chair Toler.

Chair Ereth spoke on his motion for approval of the fire station project, praising its design as both functional and forward-thinking. He noted that the design provides first responders with the tools and resources necessary to keep the community safe while also offering room for growth as the community expands.

Vice Chair Toler fully agreed with Chair Ereth's comments, emphasizing support for the fire station project. He remarked that the fire department is the closest thing to superheroes, and expressed personal satisfaction that the design chosen was traditional, as it was clearly preferred by many. Chair Toler echoed Cynthia McDonald's sentiment, noting that after over 50 years, it's time for a building/facility upgrade, and he was pleased to see the city making this important investment.

Commissioner Andrade congratulated the team on a wonderful and much-needed fire station update. She emphasized the importance of the fire station's increased capacity to support the community and expressed appreciation for the team's ongoing efforts, especially in responding to local fires. She noted that the Fire Department deserves all the support it can get.

MOVED/SECOND: Ereth/Toler
MOTION: Approve staff's recommendation.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Klepack, Martinez, Zich
Nays: None
Absent: Rojas
Recused: None
Motion carried: 6-0-1

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) pursuant to CEQA Guidelines Section 15302 (Class 2), Replacement or Reconstruction; and

2. Approve Master Plan (PMAP-24-0003) and Minor Conditional Use Permit, based on findings of fact and subject to conditions of approval.

RESOLUTION PC-2024-22 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING MASTER PLAN (PMAP-24-0003) FOR THE DEVELOPMENT OF A NEW COSTA MESA FIRE STATION NO. 2 AND MINOR CONDITIONAL USE PERMIT FOR TEMPORARY MANUFACTURED STRUCTURES LOCATED AT 800 BAKER STREET

The Chair explained the appeal process.

2. CONDITIONAL USE PERMIT (PA-23-07) FOR VALET SERVICES AT PLAYA MESA RESTAURANT LOCATED AT 428 EAST 17TH STREET

Project Description: Conditional Use Permit (PA-23-07) for valet services at Playa Mesa Restaurant located at 428 East 17th Street.

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

One ex-parte communication was reported:

- Commissioner Zich stated he visited the site.

Christopher Aldana, Assistant Planner, presented the staff report.

The Commission asked questions of staff including discussion of:

Chair Ereth asked staff how they would enforce or track customers parking off-site to avoid valet fees, given that this data would be necessary to determine if the valet fee should be changed or removed. Staff explained that such issues are often identified through complaints from neighboring businesses or the public, which are directed to the Planning Department. Additionally, they noted that inspections or other monitoring methods could also help identify these problems. In this case, the valet service is being offered as a convenience by the applicant, who owns multiple nearby properties, which makes the situation less controversial. Staff also clarified thateach situation is evaluated on a case-by-case basis.

Commissioner Zich questioned the need for a Conditional Use Permit (CUP) for valet parking since the service was already in place. Staff explained that the CUP was required to legalize the valet operation, which had been operating without proper approval after a Code Enforcement complaint. Commissioner Zich noted the parking shortfall, pointing out that 83 spaces were required, but the site only had 69. Staff clarified that valet parking increased the available spaces during business hours, helping alleviate the issue. Commissioner Zich also asked about self-parking options, and staff confirmed that 14 spaces were available for self-parking during Peet's Coffee's hours, with valet operating outside those hours. Regarding the $5 valet fee, staff explained it was to recapture costs, though traditionally valet had been free in the city. Staff supported the valet service as it improved parking availability.

Commissioner Klepack asked how the valet system would differentiate between Peet's Coffee customers, who receive free valet service, and Playa Mesa customers, who are charged a fee, since both use the same valet station. Staff

explained that when customers arrive at the valet kiosk, the attendant would ask if they were visiting Peet's or Playa Mesa, and based on their response, they would either be charged the valet fee or receive complimentary valet service. Klepack thanked staff for the clarification.

Commissioner Martinez asked staff why a Conditional Use Permit (CUP) was required for the valet service. Staff explained that city code allows valet services with a fee through a CUP and that this application was voluntarily submitted. Commissioner Martinez then inquired if the initial valet fee would be set by the applicant and if the Director of Economic and Development Services had discretion to change it. Staff clarified that the Economic and Development Services Director could only adjust or remove the fee if problems arose, such as customers parking off-site due to the fee, causing issues for nearby residential or commercial areas. Commissioner Martinez also asked how self-parking spaces for Peet's Coffee would be managed if customers self-parked and then went to Playa Mesa. Staff responded that while the City wouldn't enforce this directly, it could become involved if it caused issues for Peet's Coffee but expected the valet service to monitor and manage it.

Chair Ereth inquired about the City's role, if any, in regards to setting valet charge if problems arise and whether the City would bear the burden of demonstrating that charged fee is creating issues. Staff responded that it would be unlikely for staff to recommend a specific price point for the valet service charge but, at a binary level, may simply determine if the valet service charge is or is not resulting in unintended parking consequences nearby.

Commissioner Zich sought clarification on whether the valet application was voluntary. He asked if the more complete answer would be that the applicant either had to apply for a conditional use permit for the valet service or remove the valet station. Staff confirmed that those were the applicant's options.

The Chair opened the Public Hearing.

Mario Morovic, applicant, stated he had read and agreed to the conditions of approval.

Mario Morovic, the applicant, explained that the valet service was introduced after a few years of operation without realizing a Conditional Use Permit (CUP) was required. Upon learning of the need for a CUP, he worked with city staff to continue valet services while formalizing the process. He emphasized that the valet service, which has been running for over three years, has not resulted in any complaints from neighbors or nearby businesses and has helped increase parking capacity. Morovic mentioned that he pays out of pocket for the valet service and considered starting an in-house valet but found the existing external service more cost-effective. He highlighted that the City and consultants thoroughly analyzed the valet system, and its success benefits both the business and the community by

generating more customers and tax revenue. He invited any further questions from the Planning Commission.

The Commission asked questions of the applicant including:

Commissioner Martinez asked why wheel stops were included between the parking lots for Playa Mesa and the adjacent property, given that both are owned by the same applicant. The applicant explained that the wheel stops were requested by the City during the application process to keep the valet parking lot organized and ensure efficiency and safety by separating the two lots. Commissioner Martinez then asked why customers of either business couldn't use both lots. The applicant clarified that while they own both properties, the businesses operate with different characteristics, with Playa Mesa having a lunch rush and the other businesses being busier in the evenings. The separation is meant to keep the operations distinct for each business.

The Chair opened public comments.

Leela Lester spoke in opposition of the item.

The Chair closed public comments.

Commissioner Martinez asked staff why wheel stops were required between the parking lots. Staff explained that the valet plan had been reviewed by multiple departments, including Public Works and the Fire Department. The wheel stops were intended to consolidate the valet parking into one area, prevent patrons from adjacent businesses from interfering with valet operations, and reduce potential safety issues. Previously, a chain with portable posts was used to separate the lots, and the wheel stops provided a more permanent solution to an existing practice. The flow of the valet plan, including vehicle stacking, made sense for the overall parking management. Commissioner Martinez thanked staff for the explanation.

The Chair closed the Public Hearing.

Chair Ereth made a motion. Seconded by Vice Chair Toler.

The Commission discussed the motion including:

Chair Ereth expressed his satisfaction with Playa Mesa's compliance in seeking the Conditional Use Permit for parking, stating that it supports local businesses and enhances the customer experience. He praised the applicant for maintaining a high-quality restaurant and noted that valet parking contributes to increased tax revenue that also benefits the city. Chair Ereth found the shared parking arrangement and the nominal valet fee reasonable, especially given that the business is covering additional costs to ensure a positive guest experience. He

commended staff for their work and voiced his support for approving the permit as proposed, without any concerns.

Vice Chair Toler expressed support for the valet parking plan, emphasizing that local businesses like Playa Mesa need to be supported, especially when parking is tight. He mentioned that, based on his own experience, seeing the valet booth made him feel that dining there was still an option, even with limited parking. Vice Chair Toler acknowledged that while the valet solution was implemented without city oversight initially, now that the city is reviewing it, the process seems reasonable. He praised staff for their work and viewed the situation as a win-win, concluding that it was a good outcome overall.

Commissioner Andrade expressed support for the application, noting it was straightforward but highlighting the importance of promoting walkability in the city. She suggested that, in addition to charging for valet, the restaurant could encourage customers to walk or bike by offering discounts, such as on chips or salsa. Commissioner Andrade emphasized that this area already has a lot of foot traffic and variety, and being creative in promoting walkability would be beneficial. She praised the restaurant and encouraged exploring ways to boost foot traffic.

Commissioner Martinez confirmed with the maker of the motion that condition of approval 14 would be amended as presented by staff. Chair Ereth confirmed that his motion included staff's amendment to condition 14. Commissioner Martinez then questioned the need for a Conditional Use Permit (CUP) for valet parking, noting that it is not required in other cities and suggested that this process might need to be reevaluated in the future. Commissioner Martinez supported the idea of charging for parking when space is limited but highlighted that if valet services were free, those who walk, bike, or use public transit would effectively subsidize valet services for those arriving by car. He appreciated the solution presented in the amended condition of approval, recognizing it as a fair approach to the issue.

MOVED/SECOND: Ereth/Toler
MOTION: Approve staff's recommendation with the modification to condition of approval 14.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Klepack, Martinez
Nays: Zich
Absent: Rojas
Recused: None
Motion carried: 5-1-1

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) pursuant to CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and

2. Approve Conditional Use Permit PA-23-07, based on findings of fact and subject to conditions of approval, including the amendment to condition of approval 14 as recommended by staff.

RESOLUTION PC-2024-23 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION PA-23-07 FOR VALET SERVICES AT PLAYA MESA RESTAURANT LOCATED AT 428 EAST 17TH STREET

The Chair explained the appeal process.

3. **CALL TO REVIEW ZONING ADMINISTRATOR APPROVAL OF A MINOR CONDITIONAL USE PERMIT AND OUTDOOR DINING PERMIT (PODA-24-0001 AND PMCP-24-0008) AT 814 WEST 19TH STREET ("WESTEND")**

Project Description: A "call to review" of the Zoning Administrator's approval of an outdoor dining permit and associated construction of a new outdoor patio structure, expanded hours of operation for service of alcoholic beverages, and allowance for live entertainment at an existing food and beverage establishment ("Westend"). The purpose of the "call for review" is for the Planning Commission to consider "adequate parking for both the applicant and the surrounding businesses."

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15303 (Class 3), New Construction and Conversion of Small Structures.

Two ex-parte communications were reported:

- Commissioner Zich visited the site and spoke with members of the public.
- Chair Ereth spoke with Leela Lester about the project during the break preceding this start of this item.

Justin Arios, Associate Planner, presented the staff report.

Chair Ereth began by addressing Attachment 2, the application for appeal or review submitted by Council Member Harper, which initiated the review process. He highlighted a specific concern regarding the wording used by Council Member Harper, particularly the statement about parking and its impact on the applicant and surrounding businesses. Chair Ereth noted that the use of "will be impacted" rather than "may be impacted" seemed definitive and could influence the Commission's decision-making. He pointed this out as something worth considering, then invited his colleagues to ask questions or provide input.

The Commission asked questions of staff including discussion of:

Commissioner Zich asked staff to turn to page four of the presentation. He inquired if a Minor Conditional Use Permit is needed for any one of the items listed and staff confirmed that is correct. Commissioner Zich further inquired whether all five bullet points listed—related to outdoor seating and food and beverage establishments—apply to the application. Staff confirmed that they do. Commissioner Zich then asked for clarification regarding the front patio area referenced in the presentation, with staff noting that the slide in question showed an existing outdoor area but not the specific patio. Commissioner Zich also inquired about signage for the private parking arrangement at 1945 Placentia to ensure patrons know where to park legally. Staff stated that no specific signage requirement was included but could be added if the Planning Commission deemed it necessary. Commissioner Zich further questioned whether, per the Zoning Administrator's approval, violations of parking conditions could lead to the revocation of the minor conditional use permit and closure of the outdoor dining area. Staff confirmed that this could be a potential course of action if complaints were verified and not addressed by the business owner.

Commissioner Martinez asked staff about the four-month appeal timeline. In response, staff discussed having met with neighbors and the applicant to address parking concerns, but progress was limited, leading to the current review. Commissioner Martinez also inquired about the relationship between the the applicant and the neighboring business that has a shared access. Staff confirmed that there is shared access easement but there I not a shared parking agreement. Regarding AB 2097, Martinez questioned why parking removal required a Minor Conditional Use Permit (MCP), and staff clarified that the AB 2097 does not allow the City to impose minimum parking requirements for new development but it does not allow for the removal of parking spaces. Commissioner Martinez then asked about the City's complaint process, and staff explained that the Noise Ordinance includes standards for both specific decibel levels and for perceived noise levels, with mitigation required if a noise issue is found. Commissioner Martinez thanked staff for their explanations.

Commissioner Zich inquired if the front patio area depicted in the presentation was permitted or not. Staff clarified that the patio area itself had been there for some time and was permitted. Commissioner Zich then asked about noise, referencing condition of approval number 11, and expressed worry about potential complaints from residents if live entertainment caused noise late into the night. He asked if the City's response would be limited to checking if noise was under 55 decibels, or if subjective concerns about nuisance noise would be addressed. Staff assured Commissioner Zich that the City considers both decibel limits and subjective standards when handling noise complaints and that any complaints would be thoroughly investigated by City staff.

Commissioner Klepack raised concerns about noise from the proposed outdoor bar and stage, which would likely have microphones and loudspeakers for live music. She asked if any noise mitigation measures were planned since this would involve outdoor entertainment. Staff responded by pointing to condition of approval number 11, which requires that live entertainment operate without negatively impacting nearby businesses and developments, including the installation of soundproofing measures as necessary. Commissioner Klepack also asked whether the soundproofing would be applied to the canopy. Staff explained that sound engineers would make that recommendation, which would be verified during the final planning inspection before issuing a certificate of occupancy for the use. Commissioner Klepack then inquired about the parking agreement around the corner, to which staff noted that parking was exempt under AB 2097, making it difficult to condition without conflicting with state legislation.

Chair Ereth asked staff to confirm that the closest residence to the property is approximately 275 feet away. Staff confirmed that this is correct and clarified that the distance is measured from property line to property line, as per City code. Chair Ereth also asked if the back of the property faces industrial or commercial areas, and staff confirmed that it faces industrial properties along Placentia.

The Chair opened the Public Hearing.

Tyler Hertzke, applicant, stated he had read and agreed to the conditions of approval.

Tyler Hertzske shared his connection to Costa Mesa, having moved to the city at 22 because of its arts community. As a homeowner with an 11-year-old son attending school locally, Mr. Hertzske emphasized his commitment to contributing to the community. He explained that his restaurant was created to support local artists and musicians, providing a space where the community could experience live performances, sometimes even from well-known artists, in an intimate setting. He mentioned that his girlfriend helps run the restaurant when he's away, and his partner is also deeply involved in the arts and community work. Mr. Hertzske expressed his passion for giving back and invited any questions or concerns from the Planning Commission.

The Planning Commission asked questions of the applicant including:

Chair Ereth asked the applicant how he would address concerns related to parking and noise. The applicant acknowledged that parking has been an ongoing issue but explained that his business encourages customers to park in their lot, nearby neighborhoods, or to walk or bike. He also mentioned plans to hire security to help manage parking. Regarding noise, the Mr. Hertzske stated that most live music would be indoors, with outdoor performances kept mellow and unamplified, supported by a professional acoustic team to mitigate noise. Chair Ereth also inquired about the applicant's relationships with neighboring businesses, and while

the applicant mentioned patronizing some local businesses, he noted that he doesn't have close relationships with many of them. The applicant explained that due to other projects, he hasn't been involved in local chamber events recently.

Commissioner Martinez asked the applicant to elaborate on how they plan to mitigate noise, both inside and outside, given the focus on live music. The applicant explained that interior noise wouldn't exceed the volume of a normal stereo in a restaurant, so there shouldn't be any significant issues. For outdoor events, the applicant mentioned plans to install an awning, compliant with fire code, to help reduce noise during live performances. Additionally, the proposed brick walls would be insulated to be nearly soundproof, further mitigating noise from escaping the venue.

Vice Chair Toler asked Mr. Hertzske about how the business guides patrons on parking and whether they have signs or other instructions in place. The applicant explained that while they encourage customers to walk, bike, or use Uber, they haven't yet fully implemented the extra parking lot around the corner. The venue's manager, who regularly communicates with customers, added that most patrons, especially regulars, are informed about the parking situation through social media and direct conversations. She noted that 90% of their customers live in nearby neighborhoods and often choose to walk, bike, or carpool, with many parking in the back lot. Vice Chair Toler also inquired about the request for extended operating hours until 2 a.m. every day of the week. The applicant clarified that while they included all seven days in their request, they primarily intend to use the extended hours from Thursday to Sunday, similar to other local establishments, but included the full week in case it's needed for special occasions or busier nights.

The Chair opened public comments.

Jay Humphrey spoke in opposition to the item.

Leela Lester spoke in opposition to the item.

John McVay spoke in opposition to the item.

Wanda Guiro spoke in opposition to the item.

Vicente Valihas spoke in opposition to the item.

Dan Vozenelik spoke in opposition to the item.

Speaker seven spoke in opposition to the item.

Cynthia McDonald spoke in opposition to the item.

Speaker nine spoke in opposition to the item.

Laura Vander Markle spoke in opposition to the item.

Kari Nilas spoke in opposition to the item.

The Chair closed public comments.

The applicant, Mr. Hertzske, made closing comments in response to the public comments. He clarified that many of the concerns raised, such as issues with other local businesses and live music, did not relate to his business specifically. He emphasized that while other establishments, like the wine bar with its Thursday night jazz band, might contribute to concerns, his focus is on managing his own business. He reiterated that his restaurant is working to comply with regulations and is doing its part by providing parking and addressing issues where possible. He noted that while the AB 2097 limits parking requirements, his business is still making efforts to support the community through their parking solutions. He ended by emphasizing the small-business nature of his operation and their commitment to being a responsible part of the community.

Vice Chair Toler asked the applicant it they currently had live music. The applicant responded that Westend does not currently have live music.

Commissioner Andrade asked the applicant about potential opportunities to provide direct access to the additional parking available at the industrial lot, noting that currently there is a fence. The applicant confirmed that discussions are underway to create direct access from the industrial lot to Westend as this would be anthe ideal scenario to provide a more convenient pedestrian route. The applicant also clarified that there is indeed a contract in place for the additional parking.

Chair Ereth asked the applicant about a caller's comment regarding patrons driving and parking across the street, and how the business encourages alternative transportation. The applicant responded by confirming that many of their customers walk or bike, and mentioned that Kaylee, Westend manager, posts on social media to inform patrons about where to park, though those posts only last 24 hours. The applicant expressed a willingness to put up permanent signs or offer incentives, such as discounts for those who walk. He also clarified that while they are requesting to stay open until 2 a.m., they do not intend to have live music until that hour, but want to be able to serve food and beverages late into the night, similar to other late-night establishments in the area. The applicant emphasized their desire to support and work with the community.

Chair Ereth questioned staff about parking concerns related to businesses across 19th Street and how the current application mitigates potential issues. Staff explained that Westend currently operates without a conditional use permit (CUP) thereforeenforcing of conditions does not occur; however, if this application is

approved it would introduce condition of approval number 15, which prohibits unauthorized off-site parking and could be enforced by the City. This condition would enable the Zoning Administrator and Code Enforcement Division to address any violations if patrons park in unauthorized areas. Chair Ereth also asked if there were any outstanding violations concerning the subject business, as mentioned by some callers. Staff confirmed there were no violations. Chair Ereth further inquired about the parking agreement securing 17 spots and whether maintaining that agreement is a condition of the CUP. Staff clarified that if the business were to lose the parking agreement, the CUP would not be automatically revoked, but unauthorized parking would be a violation. The business would need to secure alternative parking to comply with the condition of approval.

The Chair closed the Public Hearing.

The Planning Commission discussed parking and noise concerns related to the business, with Vice Chair Toler suggesting conditions such as signage to inform patrons about parking and noise etiquette and proposing a six-month review to assess the impact of allowing alcohol service after 11 p.m. on weekends while holding off on live music. Chair Ereth shared Vice Chair Toler's comments and acknowledged the importance for the City to be able to enforce the project's conditions of approval and expressed support for the six month review suggestion. Commissioner Zich questioned the effectiveness of a six-month review, asking if recurring complaints, like the comments heard tonight, would that lead the City to pull the CUP; Vice Chair Toler emphasized his trust in city staff and the Code Enforcement Division to manage noise issues. The conversation also touched on the broader role of government in regulating parking and noise, with Vice Chair Toler advocating for a balance between supporting economic activity on 19th Street and addressing community concerns. The Planning Commission acknowledged the complexity of the issue and expressed readiness to proceed with a motion.

Commissioner Martinez made a motion to adopt resolution finding that the project is exempt from the California Environmental Quality Act (CEQA) and to uphold the Zoning Administrator's conditional approval of the minor conditional use permit with the addition of a condition of approval requiring a 6 month review of the project. Seconded by Chair Ereth for discussion purposes. Chair Ereth inquired if Commissioner Martinez was amenable to further amending the conditions such that alcohol would only be served until 2 a. m. on Fridays and Saturdays only. Commissioner Martinez agreed and Chair Ereth seconded the motion. Commissioner Martinez then spoke in support of the motion, emphasizing that AB 2097 should prevent parking considerations in this area due to public transit options, and his main concern was noise. He expressed confidence in the six-month review to evaluate the impact of allowing alcohol service and live entertainment during the trial period.
The Commission discussed the motion including:

Vice Chair Toler then proposed a friendly amendment to the motion, suggesting that live music be limited to 11 p.m. initially, with the six-month review determining if it could be extended until 2 a.m. on Fridays and Saturdays. Staff confirmed that such conditions could be enforced, and the Planning Commission discussed the potential of allowing live music and alcohol until 2 a.m. only on Fridays and Saturdays until further assessed at the six month review. Commissioner Martinez offered live entertainment and alcohol from to 2 a. m. on Friday and Saturday; all other days of the week live entertainment and alcohol would conclude by 11 p. m. The final point raised by Vice Chair Toler was about requiring signage to remind patrons to respect nearby neighborhoods and avoid parking in restricted areas.

Commissioner Martinez amended his motion to include allowing alcohol and live music until 2 a.m. on Fridays and Saturdays only and that alcohol sales and live music would conclude by 11 p. m. all other days of the week, for a six-month review period, and a recommendation for staff to look into appropriate signage to address noise and parking concerns. Seconded by Chair Ereth.

Chair Ereth, in his comments on the motion, expressed support noting that the Commission's intention is to mitigate potential effects, such as parking and noise, by adding conditions of approval. He emphasized that these conditions would allow staff to step in and address any issues if they arise. Chair Ereth highlighted that bringing the issue back for a six-month review after approval, and limiting alcohol service and live music until 2 a.m. on Fridays and Saturdays, provides a cautious approach, offering a benchmark to assess any problems. If things run smoothly, the Planning Commission could reconsider extending allowances. He also emphasized the balance between supporting local businesses, entrepreneurial spirit, and maintaining Costa Mesa's identity as the City of the Arts. Chair Ereth expressed confidence in proceeding cautiously while providing opportunities for local businesses to succeed.

Commissioner Zich expressed his concerns and opposition to the motion, stating that "hope is not a strategy" and that relying on hope to address potential issues such as parking and protect individual's property rights is not sufficient. He emphasized the importance of managing competing property rights. Commissioner Zich argued that just because a business wants to expand and generate revenue, it does not mean that the impacts on surrounding property owners should be dismissed. He pointed out the city's residential permit parking program as evidence that the city recognizes the value of protecting residents' ability to park in front of their homes. Commissioner Zich criticized the reliance on the 17 additional parking spaces and the assumption that patrons will use them, especially given the impracticality of the proposed path to access those spaces. In closing, he reiterated his skepticism about the plan and stated that he would not support the motion.

Commissioner Klepack expressed full agreement with Commissioner Zich and stated that she would not support the motion. She cited a combination of factors, including her belief that the project would be materially detrimental to properties in the area and detrimental to health and safety. Commissioner Klepack noted concerns about the applicant's lack of engagement with the community, as he had been absent for the last year and a half, leaving his girlfriend to run the business. Commissioner Klepack also highlighted past issues with COVID-related health and safety restrictions not being followed. Her biggest concern was the potential noise impact, particularly having outdoor music so close to residential areas. For these reasons, she could not support the motion.

MOVED/SECOND: Martinez/Ereth
MOTION: Approve staff's recommendation but with modified conditions to allow alcohol service and live music until 2 a.m. on Fridays and Saturdays only (for all other days of the week, alcohol sales and live music would conclude by 11 p. m. consistent with existing Zoning Code regulations as by-right activities), to require a review of the minor conditional use permit by the Planning Commission six months from the date after which the use commences, and to recommend that staff work with the applicant to place signage cautioning patrons about where to park and generating unnecessary and disruptive noise.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Martinez
Nays: Klepack, Zich
Absent: None
Recused: None
Motion carried: 4-2-1

The Assistant City Attorney addressed a clerical issue in the resolution. It was noted that there was a condition in the staff report that needed to be moved from one section to another section for accuracy. Specifically, indemnification to hold the city harmless condition, which was listed under Code Requirements as item number eight on page nine of the staff report, needs to be moved to condition of approval number 16. After this was clarified, Commissioner Martinez moved to amend the previously adopted motion to also correct this clerical error, and Chair Ereth seconded the amendment. The City confirmed that this adjustment satisfied the necessary legal requirement.

MOVED/SECOND: Martinez/Ereth
MOTION: To amend the previously adopted motion to correct a clerical error by moving Code Requirement No. 8, which is located on Page 9 of the Resolution, to become Condition of Approval No. 16.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Andrade, Martinez
Nays: Klepack, Zich
Absent: None
Recused:None

Motion carried: 4-2-1

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) per CEQA Guidelines Section 15303 (Class 3) New Construction and Conversion of Small Structures; and

2. Uphold the Zoning Administrator's conditional approval of Minor Conditional Use Permit and Outdoor Dining Permit (PODA-24-0001 and PMCP-24-0008) at 814 West 19th Street ("Westend") by adopting the attached Resolution, as modified to limit alcohol service and live music to Fridays and Saturdays only until 2 a. m. (all other days of the week alcohol service and live music is allowed to 11 p. m.), to require a six month review of the minor conditional use permit by the Planning Commission, and to have staff work with the applicant to place signage cautioning patrons about where to park and about generating unnecessary and disruptive noise.

RESOLUTION PC-2024-24 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FOR THE PLANNING APPROVAL OF A MINOR CONDITIONAL USE PERMIT AND OUTDOOR DINING PERMIT (PODA-24-0001 AND PMCP-24-0008) AT 814 WEST 19TH STREET ("WESTEND")

The Chair explained the appeal process.

OLD BUSINESS:

None.

NEW BUSINESS:

None.

DEPARTMENTAL REPORTS:

1. Public Works Report – None.

2. Development Services Report – None

CITY ATTORNEY'S OFFICE REPORT:

1. City Attorney – None.

ADJOURNMENT AT 9:53 PM

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION