

UNOFFICIAL UNTIL APPROVED

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

**November 13, 2023**

**CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Vice Chair Toler led the Pledge of Allegiance.

**ROLL CALL**

Present: Vice Chair Russell Toller, Commissioner Angely Andrade, Commissioner Karen Klepack, Commissioner Vivar, Commissioner Jon Zich

Absent: Chair Adam Ereth, Commissioner Karen Klepack, Commissioner Jonny Rojas

Officials Present: Director of Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Principle Planner Phayvanh Nanthavongdouangsy, Principle Planner Nancy Huynh, Assistant Planner Caitlyn Curley, City Engineer Seung Yang and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:**

None.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Vivar thanked Commissioner Rojas and those that have served in the military for their service.

Commissioner Zich also thanked Commissioner Rojas and those that have served in the military for their service.

Vice Chair Toler mentioned he helped with the Costa Mesa Alliance for better streets by passing out bike lights.

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**CONSENT CALENDAR:**

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

1. **NOVEMBER 28, 2022 UNOFFICIAL MEETING MINUTES**
2. **JUNE 12, 2023 UNOFFICIAL MEETING MINUTES**
3. **JUNE 26, 2023 UNOFFICIAL MEETING MINUTES**
4. **OCTOBER 23, 2023 UNOFFICIAL MEETING MINUTES**

Commissioner Zich made motion. Seconded by Commissioner Andrade.

**MOVED/SECOND:** Zich/Andrade

**MOTION:** Approve recommended action for Consent Calendar Items.

The motion carried by the following roll call vote:

Ayes: Toler, Andrade, Vivar Zich

Nays: None

Absent: Ereth, Klepack, Rojas

Abstained: None

Motion carried: 4-0

**ACTION:** Planning Commission approved the Meeting Minutes.

**PUBLIC HEARINGS**

1. **A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE TO AMEND TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE (CMMC) TO MODIFY THE CITY'S OUTDOOR DINING PROVISIONS**

**CMMC CODE AMENDMENT AND ORDINANCE NO. 2023-XX:** The Planning Commission will review, consider public comments and make a recommendation to the City Council for a proposed Zoning Code amendment that would update the review process and general development standards for outdoor dining permits in the City.

**Environmental Determination:** The project is exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) ("General Rule") in that the minor updates to the City's outdoor dining provisions will not have a significant impact on the environment.

No ex-parte communications reported.

Caitlyn Curley, Assistant Planner, presented the staff report.

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The Commission asked questions of staff including discussion of: definition of at-risk populations, number of restaurants encroaching on driveway space, fire department comments on the ordinance, reasons not having the existing Temporary Use Permit (TUP) holders reapply, landlord approval, number of restaurants operating with a TUP, public comments received, public noticing for new restaurants, noise concerns, threshold for approval, code requirements, and parking and circulations standards.

**The Chair opened the Public Hearing.**

**The Chair opened public comments.**

Kyle Winegang, spoke in support of the item.

Speaker two, spoke in support of the item.

**The Chair closed public comments.**

**The Chair closed the Public Hearing.**

Commissioner Vivar made a motion. Seconded by Commissioner Andrade.

The Commission discussed the motion including: temporary martials, allowance of a trial period, barriers around seating areas, having those with existing TUPs reapply after ordnance is passed, parking standards, height restrictions, design requirements, and code requirements.

**MOVED/SECOND:** Vivar/Andrade

**MOTION:** Approve staff's recommendation with direction to modify the Draft Ordinance to: (1) increase the threshold of removed parking spaces which requires a minor conditional use permit, (2) modify the height and material standards for outdoor dining area barriers, and (3) address potential parking related issues with a condition that is typically used in other land use approvals.

The motion carried by the following roll call vote:

Ayes: Toler, Andrade, Vivar

Nays: Zich

Absent: Ereth, Klepack, Rojas

Recused: None

Motion carried: 3-1

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

1. Find that the project is categorically exempt from environmental review under the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule) in that the updates to the City's outdoor dining provisions will not have a significant impact on the environment.

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2. Recommend that the City Council give first reading to an Ordinance approving Code Amendment No. 2023-XX, amending portions of the Costa Mesa Municipal Code (Zoning Code) relating to outdoor dining areas.

**RESOLUTION PC-2023-29 - A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE TO AMEND TITLE 13 (PLANNING, ZONING, AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE TO MODIFY THE CITY'S OUTDOOR DINING PROVISIONS**

2. **AN ORDINANCE AMENDING TITLE 13 (PLANNING, ZONING AND DEVELOPMENT) OF THE COSTA MESA MUNICIPAL CODE TO ESTABLISH AFFORDABLE HOUSING REQUIREMENTS FOR NEW RESIDENTIAL DEVELOPMENT PROJECTS**

**CMMC CODE AMENDMENT AND ORDINANCE NO. 2023-XX.** The Planning Commission will review and consider public comments and make a recommendation to the City Council regarding a proposed code amendment that modifies Title 13 (Planning, Zoning, and Development) of the CMMC to establish affordable housing requirements. The proposed CMMC modifications would require certain residential development projects to provide a minimum percentage of their proposed dwelling units as affordable housing units, or pay a City-established in lieu-fee when applicable.

**Environmental Determination:** The ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061(b)(3) (General Rule).

No ex-parte communications reported.

Nancy Huynh, Principle Planner, presented the staff report.

The Commission asked questions of staff including discussion of: density bonus for developers under an IHO, rezoning, KMA recommendation, best practices for affordable housing in surrounding Orange County cities, public comment letters received, in leu fees, how fees will be used, concurrent processing, annual review of rentals, process for renters of low income units, housing opportunity sites, how collected housing funds are managed, parcel lot and merger.

**The Chair opened the Public Hearing.**

**The Chair opened public comments.**

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Jay Humphry spoke on Costa Mesa stakeholders, affordable housing and in lieu fees.

Speaker two spoke on in lieu fees.

George Sakioka spoke on alternative compliance options and land dedication.

Speaker four spoke on the affordability process and the Permit Streamline Act.

Cathy Esfahani spoke on incentivization, inclusionary requirements, land value, opportunity sites, and up zoning.

Cynthia McDonald spoke on IHO's, in lieu fees, set aside percentages and making the city walkable and bikeable.

Speaker seven spoke on affordable housing and in lieu fees.

Diane Russell spoke on reducing the amount of parking for low income units, tax credits, and amount of affordable units.

Speaker Nine spoke on small lot developments and affordability thresholds.

Richard Huffman spoke on up zoning and community benefits.

Jennifer Tanaka spoke on affordability of housing and developers' profits.

**The Chair closed public comments.**

The Commission continued discussion included: language for priority for Costa Mesa residents, incentivizing housing development, affordability, market rate vs affordable price, ownership opportunities, priority for City residents for housing programs, tax credits, Housing Element, State mandates, ownership vs renter ratio in the City, parking, reduction of unit threshold for affordability, displacement of residents, creating more homeownership opportunities, goals of affordability, ownership requirement and in lieu fees.

**The Chair closed the Public Hearing.**

Vice Chair Toler made a motion. Seconded by Commissioner Zich.

**MOVED/SECOND:** Toler/Zich

**MOTION:** Continue item to the December 11, 2023 Planning Commission meeting.

The motion carried by the following roll call vote:

Ayes: Toler, Andrade, Vivar, Zich

Nays: None

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Absent: Ereth, Klepack, Rojas  
Recused:  
Motion carried: 4-0

**ACTION:** The Planning Commission continued item to the December 11, 2023  
Planning Commission meeting

**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 9:55 PM**

Submitted by:

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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION