MEETING MINUTES OF THE CITY OF COSTA MESA PLANNING COMMISSION

May 08, 2023

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Rojas led the Pledge of Allegiance.

ROLL CALL

Present: Chair Adam Ereth, Vice Chair Russell Toller, Commissioner Angely Andrade Commissioner Jonny Rojas, Commissioner Vivar, Commissioner Jon Zich

Absent: Commissioner Tim Taber

Staff Present: Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Associate Planner Chris Yeager, Assistant Planner Chris Aldana, Contract Planner Michelle Halligan, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

An unnamed speaker commented regarding an initiative coming on the November 24 ballot, she urged the public to go to the website ourneighborhoodvoices.com to get more information on the initiative. She asked the public to get involved and join the zoom meeting every Wednesday as link on website.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Vivar thanked those in attendance, encouraged the public to check the City's website for upcoming meetings and informed the public of the upcoming joint City Council and Planning Commission Study Session regarding inclusionary housing.

Chair Ereth stated he participated in the Arbor Day event where they planted thirty new trees at Tewinkle Park. He encouraged the public to get out and get involved in the community this summer.

CONSENT CALENDAR:

1. **APPROVAL OF MINUTES**

   Vice Chair Toler made motion to approve minutes as written. Seconded by Commissioner Rojas.

   MOVED/SECOND: Toler/ Rojas
   MOTION: Moves staff recommendations.
   The motion carried by the following roll call vote:
   Ayes: Ereth, Toler, Andrade Rojas Vivar, Zich
   Nays: None
   Absent: Taber
   Abstained: None
   Motion carried: 5-0-1

PUBLIC HEARINGS

1. **MAJOR AMENDMENT TO MASTER PLAN PA-23-03 (PA-98-50 A3) FOR A REDUCTION OF REQUIRED OFF-STREET PARKING AND TO MODIFY OPERATIONAL CHARACTERISTICS; A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY; MINOR CONDITIONAL USE PERMIT ZA-23-01 TO ALLOW AN OUTDOOR DINING PATIO; AND A PUBLIC CONVENIENCE OR NECESSITY DETERMINATION FOR ALCOHOL BEVERAGE CONTROL LICENSE TYPE 21 AND 47 FOR THE NORTHGATE MARKET LOCATED AT 2300 HARBOR BOULEVARD**

   Project Description: The proposed project is a request to re-establish the vacant supermarket (previously 'Albertsons") located at 2300 Harbor Boulevard in Building C, with the "Northgate Market". The project includes: (1) Major Amendment to Master Plan PA-23-03 (PA-98-50 A3) for a reduction of required off-street parking and to modify site characteristics; (2) Minor Conditional Use permit ZA-23-01 to allow outdoor dining area; (3) Conditional Use Permit PA-23-02 to allow live entertainment within 200 feet of residentially zoned property; and (4) a Public Convenience or Necessity Determination for Alcohol Beverage Control License Type 21 and 47. The Northgate Market proposes to expand the supermarket use by adding on-site food and beverage services (including alcoholic beverages).

   Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15301 (Class 1), for the permitting and/or minor alterations of Existing Facilities and Section 15303 (Class 3), New Construction or Conversion of Small Structures. This project will occupy an existing building and proposes

minor exterior modifications including increase in floor area for an outdoor dining seating area. No increase in building square footage is proposed. The project is consistent with the applicable General Plan designation and all applicable General Plan policies as well as with applicable zoning designation and regulations.

Ex-parte communications:

Commissioner Vivar attended the community event hosted by the Northgate market. He also spoke with the ownership team.

Commissioner Andrade recused herself for living within 500ft of subject property and exited the Chambers.

Commissioner Zich spoke with a former Santa Ana official about Northgate Markets. He also visited the Northgate market in Santa Ana.

Chair Ereth Spoke with the applicants representative and spoke with a future neighbor of the market.

Christopher Aldana, Assistant Planner, presented the staff report.

Commission and Staff:

Commissioner Zich inquired on the different CUP's up for review and if they were dependent on each other for approval, onsite security and if security was conditioned, additional seating in dining area, door placements in the outdoor dining area, emergency exits and their requirements, what would happen if the market decides to close down the outdoor patio, sound monitors and measurements, sound stage placement, volume requirement, adding a condition prohibiting outdoor televisions and access into the building.

Commissioner Vivar inquired about the rentable kitchen areas in the market and if the renters would be allowed to sell alcohol, corn silo rodent protection, where alcohol consumption was allowed on site, noise on site, live music, site monitors, music types proposed and the outdoor patio protection from vehicles.

Chair Ereth inquired if alcohol will be confined to the dining areas, security monitoring alcohol use, security, noise level monitoring, if the amendment to Master Plan is only specific to Northgate Market, noise levels and noise enforcement, and parking requirements.

Commissioner Zich asked about quarterly gross sale of alcohol vs food report, sidewalk width, and if special events are allowed at the market.

The Chair opened the Public Hearing.

Joshua Gonzalez, applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on security numbers, double doors leading out to the patio, food service on patio, hours of operation, sliding door next to the sound stage, number of employees on staff during store hours, parking, maintaining sound levels, Northgate Markets waste diversion program, height of the sound wall, width of sidewalk next to silo, amplified music, types of alcohol being sold with the food, live music hours, recording of sound levels, prohibiting televisions on patios, acoustical conditions, alternative transportation options, bike racks and community relations.

The Chair opened Public Comments.

PUBLIC COMMENT:

Jeff Hallmark, spoke in opposition of the item, concerns of noise and crime.

Speaker two, spoke in support of the item and also stated concerns with parking minimums.

Speaker three, spoke in opposition of the item and parking concerns at adjacent lot.

David Martinez, spoke in support of the item and concerns with parking minimums.

Call in speaker supported the item; however, had concerns for potential neighborhood noise.

The Chair closed the Public Comments.

The Chair closed the Public Hearing.

Commission and Staff:

Discussion ensued on AB20-97 and parking issues.

Commission:

Discussion ensued on taking out the televisions on the outside patio near Wilson Street, security monitors, rodent mitigation, amplified music, stage area noise,

reduction of performance hours, outdoor patio noise control, technical noise information that will be sent to the City, bike racks and sidewalk width.

Chair Ereth made a motion to approve application PA-23-02, PA-23-03(PA-98-50 A3) and ZA-23-01 subject to conditions of approval with the additional conditions of no TVs on the outside patio, new condition that the doors at outside patio remain closed, that the City be provided a recording of the noise archive upon request, that music will stop Friday-Saturday at 10:00 pm and will stop at 9:00 PM Monday-Thursday. Seconded by Vice Chair Toler.

Commissioner Ereth spoke on his motion.

Vice Chair Toler spoke in support of the motion.

Commissioner Vivar spoke in support of the motion.

Commissioner Rojas spoke in support of the motion.

Commissioner Zich spoke in support of the motion.

MOVED/SECOND: Ereth/ Toler
MOTION: Move staff's recommendation with the additional conditions modified and added.
The motion carried by the following roll call vote:
Ayes: Ereth, Toler, Rojas, Vivar, Zich
Nays: None
Absent: Taber
Recused: Andrade
Motion carried: 5-0-1-1

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) per CEQA Guidelines Section 15301 (Class 1), for the permitting and/or minor alterations of Existing Facilities and Section 15303 (Class 3), New Construction or Conversion of Small Structures; and
2. Approve Planning Application 23-02, PA-23-03 (PA-98-50) an ZA-23-01, subject to conditions of approval with the following conditions modified/added new:

   MODIFIED CONDITION:

   Condition of Approval No. 43: Public Address (PA) systems are prohibited in any outdoor patio area. Operations must comply with the security plan provided to the police department for review. All doors, except for the main

entrance to the grocery store must remain closed while live entertainment is conducted provided within the market. ~~Access to the market would be permitted only through the westerly primary entrance.~~ All emergency doors are to remain closed at all time and only used during emergencies. and access from the interior of the market to the outdoor patio areas during live entertainment would be limited to the entry doors along the west and south side of the building.

NEW CONDITIONS ADDED BY COMMISSION:

Condition of Approval No. 44: There shall be no TVs on the outside patio along Wilson Street.

Condition of Approval No. 45: Noise monitoring data shall be kept digitally, and stored for six months and available to the City upon request.

Condition of Approval No. 45: All music and entertainment (amplified and non-amplified) shall cease Friday and Saturday at or before 10PM and Sunday through Thursday at or before 9PM.

RESOLUTION PC-2023-14 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 23-02 FOR A CONDITIONAL USE PERMIT TO ALLOW LIVE ENTERTAINMENT WITHIN 200 FEET OF RESIDENTIALLY ZONED PROPERTY; MAJOR AMENDMENT TO A MASTER PLAN PA-23-03 (PA-98-50 A3) FOR A REDUCTION OF REQUIRED PARKING AND TO MODIFY OPERATIONAL CHARACTERISTICS; ZONING APPLICATION ZA-23-01 MINOR CONDITIONAL USE PERMIT TO ALLOW OUTDOOR DINING PATIO FOR NORTHGATE MARKET; AND PUBLIC CONVENIENCE OR NECESSITY DETERMINATION FOR ALCOHOL BEVERAGE CONTROL LICENSE TYPE 21 AND 47 IN THE C1-S ZONE FOR PROPERTY AT 2300 HARBOR BOULEVARD

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – None.

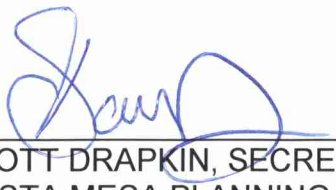
2. Development Services Report – Mr. Drapkin spoke on the Inclusionary Housing review on May 16th with City Council.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 9:35 P.M.

Submitted by:



SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION