

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF  
COSTA MESA PLANNING COMMISSION****September 27, 2021****CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Commissioner Toler led the Pledge of Allegiance.

**OATH OF OFFICE FOR NEWLY-APPOINTED PLANNING COMMISSIONERS BY CITY CLERK**

The City Clerk administered the oath of office to Council-appointed Planning Commissioners Johnny Rojas and Jimmy Vivar

Chair de Arakal welcomed the new Commissioners to the Planning Commission.

**ROLL CALL**

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

Absent: Commissioner Dianne Russell

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant Planner Katelyn Walsh, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang and Recording Secretary Julie Colgan

**ANNOUNCEMENTS AND PRESENTATIONS:**

Introduction of Scott Drapkin, Assistant Director of Development Services, by Director of Economic and Development Services Jennifer Le.

**PUBLIC COMMENTS:**

Loren Gameros, City Council member, thanked and welcomed both new Commissioners Rojas and Vivar to the Planning Commission.

Stephen Chan, Costa Mesa resident, displayed a video regarding decibel readings for the Smart and Final store and Strut Club.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Rojas stated he was happy to be appointed to the Planning Commission.

Commissioner Vivar commented on his appointment to the Planning Commission.

Commissioner Ereth welcomed the new Commissioners.

Commissioner Toler welcomed the new Commissioners and invited the public to the Citywide parking study meeting tomorrow at 6:00 p.m. via Zoom.

Vice Chair Zich also welcomed the new Commissioners and Scott Drapkin to the City. He also shared a few comments on affordable housing.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS****1. PLANNING APPLICATION 21-09 FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AFTER 11PM FOR THE EXPANSION OF AN EXISTING RESTAURANT (OAK & COAL) AND ZONING APPLICATION 21-36 TO MODIFY THE HOURS OF OPERATION APPROVED UNDER PLANNING APPLICATION PA-16-49 AND ALLOW A DEVIATION FROM PARKING REQUIREMENTS BASED ON UNUSUAL OPERATING CHARACTERISTICS FOR A RESTAURANT LOCATED AT 333 EAST 17<sup>TH</sup> STREET, SUITES 2 AND 3**

**Project Description:** Planning Application 21-09/ Zoning Application 21-36 is a request for a Conditional Use Permit (CUP) to allow the sale of alcoholic beverages for on-site consumption after 11 PM within 200 feet of residentially zoned property, to modify previously-approved hours of operation, and to allow a deviation from parking requirements based on unusual operating characteristics for a proposed restaurant expansion (Oak & Coal restaurant) located at 333 East 17<sup>th</sup> Street, Suites 2 and 3. The applicant is proposing to expand the existing 1,200-square-foot restaurant into the adjacent 966-square-foot tenant space. The proposed hours of operation of the restaurant are 6 PM to 1 AM, seven days per week. No live entertainment is 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.

One ex-parte communication reported:

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Vice-Chair Zich received a telephone call from a member of the public expressing concern on some aspects of the planning application process.

Katelyn Walsh, Assistant Planner, presented the staff report.

Commissioners asked staff questions regarding the requirements for a Conditional Use Permit and clarification on the vacancy of a tenant currently residing in a unit that this restaurant will occupy.

Vice Chair Zich requested clarification on the parking requirements and calculations used in the staff report. Ms. Walsh explained the formula used and provided more information on parking calculations.

Discussion arose regarding remedies if parking becomes problematic and what measures the City and the property owner can implement to address any issues.

The Chair opened the Public Hearing.

Jeffrey Chon, applicant, stated he had read and agreed to the conditions of the approval and provided clarification on parking for the restaurant.

Mr. Chon, thanked staff and provided a brief overview of the application.

Vice Chair Zich asked the applicant for information regarding alcohol sales versus food sales, which the applicant provided.

Discussion followed regarding the process of obtaining a CUP and fees charged.

The Chair opened Public Comments.

**PUBLIC COMMENTS:**

None.

The Chair closed Public Comments.

Chair de Arakal had questions regarding traffic impact fees, the calculations used by the City and the process by which an applicant must have their project approved.

Commissioner Vivar had questions regarding hours of operation and days of the week, which Ms. Walsh clarified for the Commissioner.

The Chair closed the Public Hearing.

Chair de Arakal made a motion. Seconded by Commissioner Ereth.

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Commissioner Toler was pleased that staff was able to make the parking requirements work for this applicant.

Commissioner Vivar was also pleased with the project.

Commissioner Ereth also commented on his support for the project.

Chair de Arakal commented on parking remedies that can be used, if parking becomes an issue.

**MOVED/SECOND:** de Arakal/Ereth

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

The motion carried by the following roll call vote:

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

Nays: None

Absent: Russell

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) per CEQA Guidelines Section 15301 Existing Facilitates (Class 1), and
2. Approve Planning Application 21-09 and Zoning Application 21-36, subject to conditions of approval.

**RESOLUTION PC-2021-19 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-09 FOR A CONDITIONAL USE PERMIT TO ALLOW THE SALE OF ALCOHOLIC BEVERAGES FOR ON-SITE CONSUMPTION AFTER 11PM FOR THE EXPANSION OF AN EXISTING RESTAURANT (OAK & COAL) AND ZONING APPLICATION 21-36 TO MODIFY THE HOURS OF OPERATION APPROVED UNDER PLANNING APPLICATION PA-16-49 AND ALLOW DEVIATION FROM PARKING REQUIREMENTS BASED ON UNUSUAL OPERATING CHARACTERISTICS FOR A RESTAURANT LOCATED AT 333 EAST 17TH STREET, SUITES 2 AND 3**

The Chair explained the appeal process.

**OLD BUSINESS:** None.

**NEW BUSINESS:** None.

**DEPARTMENTAL REPORT(S)**

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1. Public Services Report – Mr. Yang noted the Citywide Parking study is underway and the next public outreach meeting is scheduled for September 28, 2021 at 6:00 p.m. via Zoom. Mr. Yang also noted the second public outreach meeting for the Pedestrian Master Plan is scheduled for October 6, 2021 at 6:00 p.m. via Zoom. He invited the public to attend these two important meetings.
2. Development Services Report – Ms. Le stated she would be bringing an update with the City Attorney’s office on Senate Bills 9 and 10 to the next meeting.

**CITY ATTORNEY’S OFFICE REPORT(S)**

1. City Attorney – Mr. Preziosi had no report, but welcomed new Commissioners Rojas and Vivar to the Commission.

**ADJOURNMENT AT 6:58 P.M.**

Submitted by:

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JENNIFER LE, SECRETARY  
COSTA MESA PLANNING COMMISSION