

**Review of Planning Commission
Approval of a Minor Conditional Use
Permit and Outdoor Dining Permit
for Westend at 814 West 19th Street**

**City Council Meeting
January 21, 2025**



Background

- May 28, 2024 – Zoning Administrator (ZA) approved project
- May 30, 2024 – City Council Member submitted an “application for review” of the ZA’s decision, requiring Planning Commission (PC) consideration
- October 14, 2024 – PC upheld the ZA approval and added revised conditions, including a six-month review period
- October 20, 2024 – City Council Member submitted an “application for review” of the PC’s decision, requiring City Council consideration.

Project Description

- Establish an outdoor dining area by constructing a new outdoor patio structure in two of the three on-site parking spaces
- Allow new patio structure to encroach into 3 feet into 15-foot side setback
- Expand the hours of operation for service of alcoholic beverages*
 - Before: until 11:00 p.m.
 - Proposed: 5:00 p.m. to 2:00 a.m. Monday to Friday
2:00 p.m. to 2:00 a.m. Saturday and Sunday
- Allow live entertainment indoors and outdoors in the proposed patio area*
 - 11:00 p.m. to 2:00 a.m.
- Provide 17 off-site parking spaces at 1945 Placentia Avenue

*End at 11:00 p.m. on Sunday to Thursdays during PC six-month review

Minor Conditional Use Permit (MCUP)

Approval of a MCUP is required to:

- Remove more than 25% of existing required parking
 - Proposed: Removing 2 of 3 parking spaces
- For an outdoor dining area cover/structure to encroach into a setback.
 - Proposed: Three-foot encroachment into 15-foot setback
- Sell alcoholic beverages for on-site consumption after 11:00 p.m.
 - Proposed: until 2:00 a.m.
- Provide live entertainment after 11:00 p.m.
 - Proposed: until 2:00 a.m.

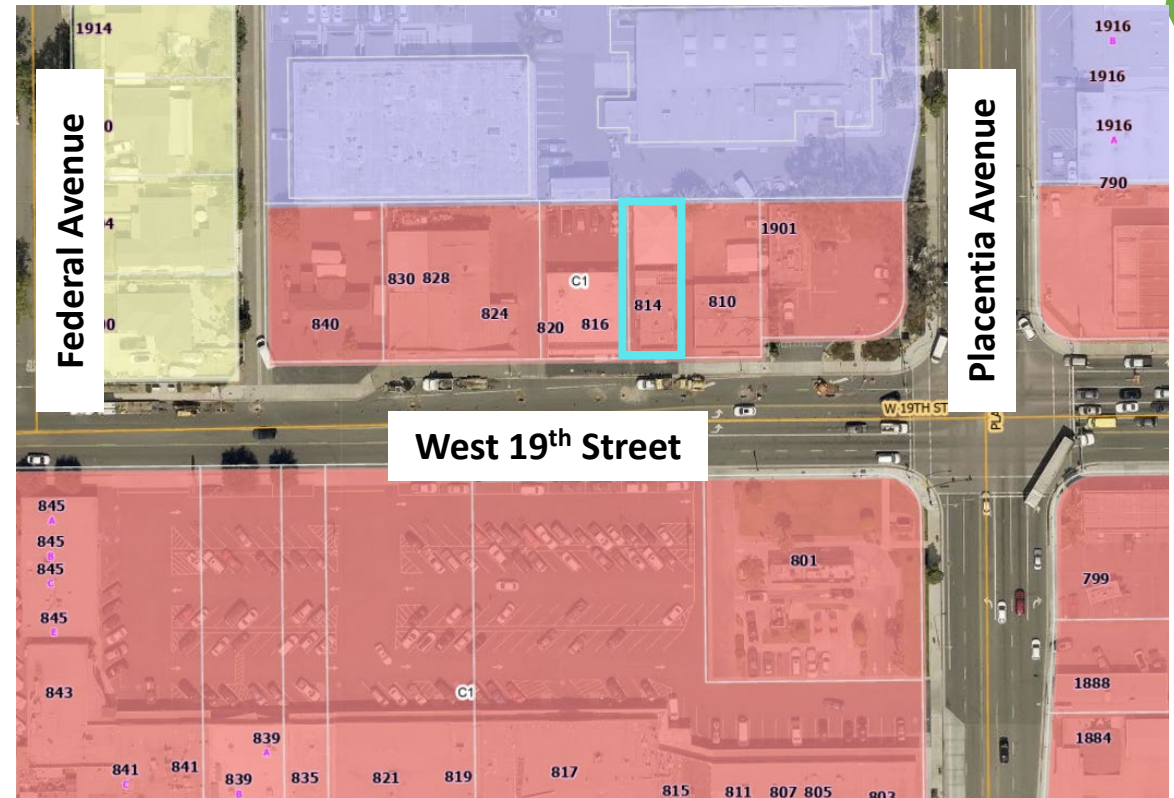
Project Location and Zoning

LEGEND

Local Business District (C1)

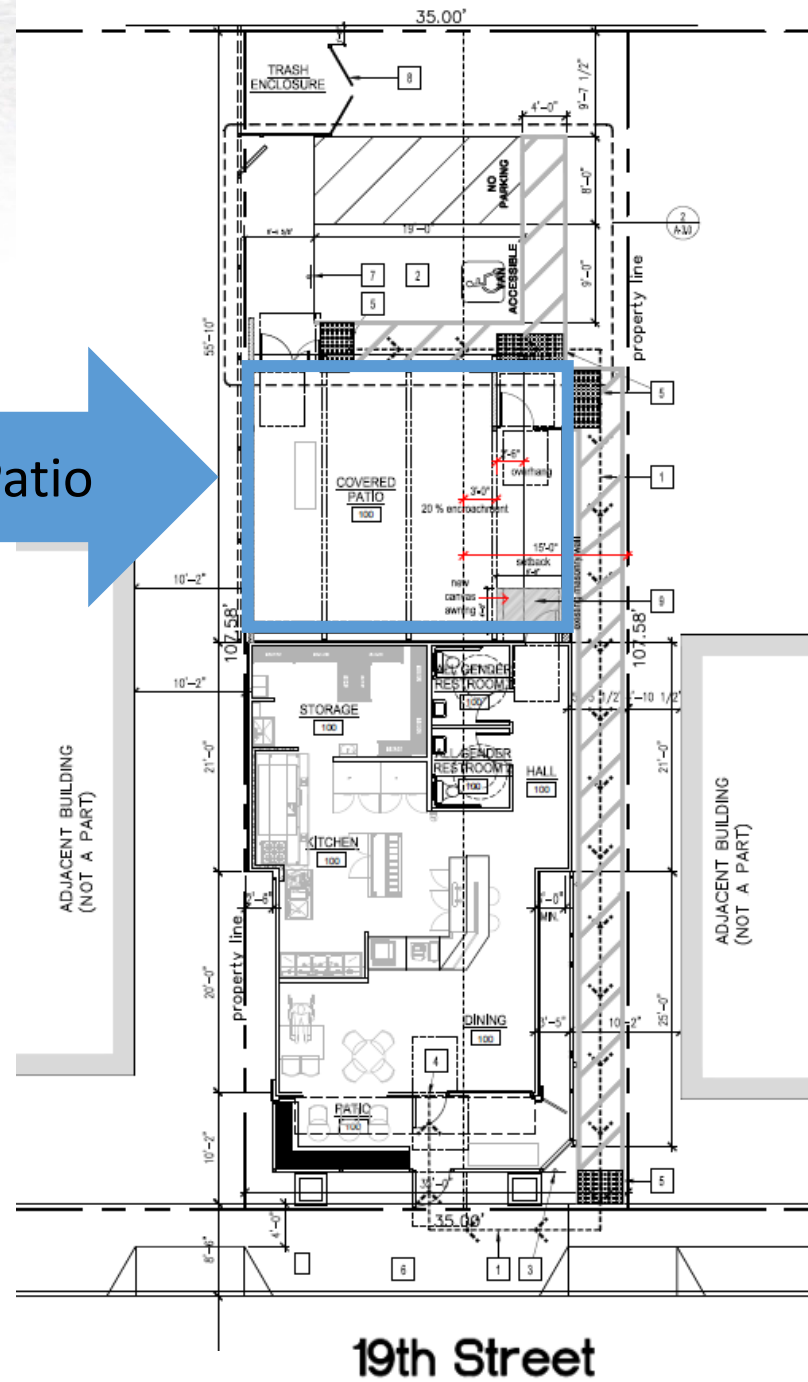
General Industrial District (MG)

Single Family Residential District (R1)



Site Plan

Proposed Patio



Site Photos



Conditions of Approval – Noise and Parking

- The project initially included conditions of approval (COA) to address noise and parking:
 - Must comply with the City's noise ordinance; undergo specific review if complaints are received, with potential revocation for non-compliance.
 - If excessive outdoor noise is identified, live entertainment may be restricted to indoors
 - Customers prohibited from parking in unauthorized commercial areas
 - Restaurant security staff required to monitor customers crossing the public right-of-way and request that they park on-street or at 1945 Placentia Avenue

Planning Commission Added Conditions

At the October 14, 2024 meeting, Planning Commission:

- Received public testimony and conducted discussion
- Added the project conditions to address concerns:
 - COA #17 - A six-month review of the use after operation has commenced;
 - COA #18 - Require alcohol and live entertainment to end at 11:00 p.m. Sundays to Thursdays until the six-month review is conducted; and
 - COA #19 - The applicant to incorporate directional/ wayfinding parking lot signage to approved parking locations.
- Conditionally approved the project, upholding the ZA's decision

Call for Review / De Novo Hearing

Call For Review Reasons

1. Inadequate parking
2. Parking history
3. Applicant's accessibility
4. Outdoor noise and expansion plans
5. Proximity to residents
6. Noise at late hours
7. Parking control limitations

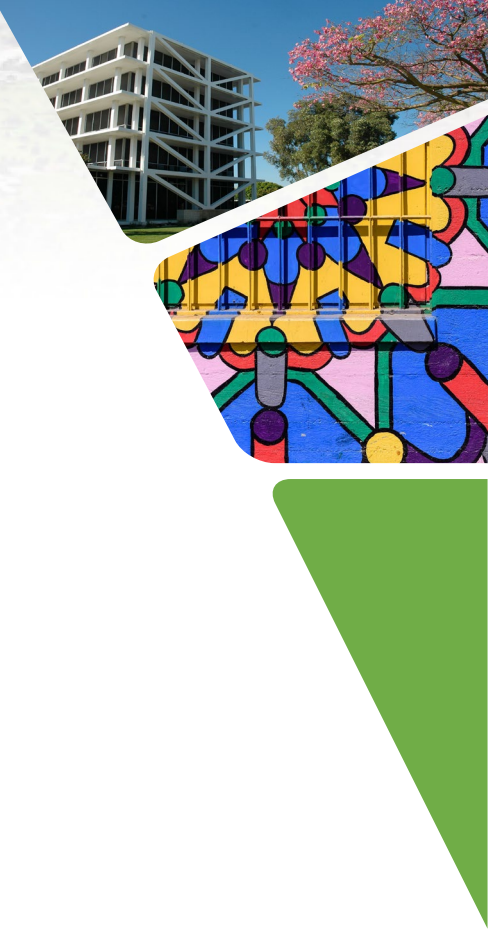
“De Novo” Hearing

The City Council may exercise its independent judgement in a decision, and a call for review hearing is not limited to the grounds stated for the review or the evidence that was previously presented to the PC and ZA. The City Council's decision is final.



Analysis and Findings

- Parking
 - Not required by Municipal Code / Assembly Bill 2097
 - Applicant obtained 17 off-site parking spaces
 - Condition of approval requiring wayfinding signage
- Noise
 - Required to operate in accordance with Noise Ordinance
 - Included acoustical analysis
 - Ability to modify / revoke MCUP
- Six-month review of the use after operation has commenced to assess parking and noise impacts



Analysis and Findings

MCUP Findings

- Located in Commercial area (near similar uses)
- Located 265 feet away (>200 feet) from residential uses
- Must comply with Municipal Code, including noise ordinance
- Provides on-site security
- Consistent with the General Plan
- Consistent with recently-approved Outdoor Dining Ordinance

Public Comments

- Two public comment letters opposing the project were submitted for consideration by the ZA for the May 28, 2024, decision date.
- Eleven public comment letters of project concern were submitted for the October 14, 2024, PC meeting, and eleven public speakers commented during the public hearing.
- Common concerns included parking deficiencies, noise proximity to residential properties, and off-site parking at nearby retail centers or in residential neighborhoods.
- 10 public comment letters submitted for the January 21, 2025, City Council meeting.



Staff Recommendation

Staff recommends the City Council review the Planning Commission's decision to uphold the Zoning Administrator's decision to approve PODA-24-0001 AND PMCP-24-0008.





RESIDENTIAL BEEKEEPING ORDINANCE

COSTA MESA MUNICIPAL CODE 3-18

Lieutenant Stephanie Selinske
City Council Meeting
January 21, 2025



Beekeeping Ordinance

HISTORY

Currently, the Costa Mesa Municipal Code 3-18 does not allow for beekeeping in the City. Recent public interest for beekeeping led to the drafting of this proposed ordinance, which is based upon an initial study by the Animal Services Committee.

- October 1, 2024 - A first reading of proposed amendments to CMMC 3-18. The Council approved moving the ordinance forward with several amendments.
- November 19, 2024 - Amended first reading and approve by city council with additional recommendations requested.
- Today - Second reading, reflecting the Council's proposed changes.

INTENT

The purpose and intent of this ordinance is to authorize residential beekeeping subject to certain requirements intended to avoid problems that may otherwise be associated with beekeeping in populated areas.



Beekeeping Ordinance:

- Permit Required
- Fee of \$75.00
- Property & Hive Requirements
 - Hives will not be permitted within 500 feet of Fairview Park, Talbert Park, Upper Newport Bay Nature Preserve (Back Bay), Frank and Joan Randall Preserve.

Staff may issue a permit for beekeeping if they determine it can be kept and maintained without compromising the safety of any person or interfering with the free use of a neighboring property.



Recommendations:

Staff recommends that:

- The City Council introduce for second reading the attached Ordinance No. 2024-XX amending Title 3 (Animal Regulations) of the Costa Mesa Municipal Code by amending Chapter I (In General) and Chapter VI (Special Animal Permit) to allow for the lawful keeping of bees and/or hives within city and to clarify appeal procedures for special animal permits.
- The City Council establish the amount of the application and renewal fee for the beekeeping permit pursuant to section 3-18.4(b) of Title 3 (Animal Regulations) of the Costa Mesa Municipal Code of Chapter 1 (In General) and add the beekeeping application/renewal fee to the City's consolidated schedule of user and regulatory fees.





Questions?





SAFE ROUTES TO SCHOOL ACTION PLAN

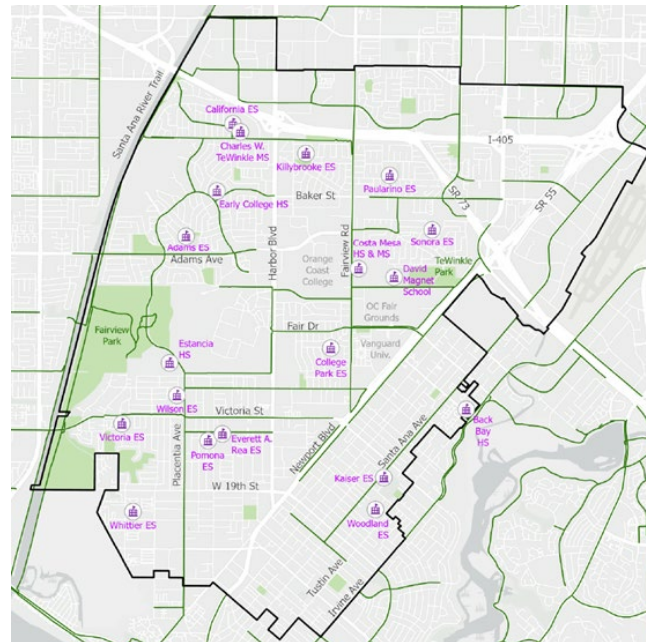
Public Works Department

City Council
January 21, 2025



Background

- Active Transportation Plan and Pedestrian Master Plan call for an increase in the percentage of students who use non-automobile transportation to access public schools.
- There are 19 NMUSD campuses in the City. Many students walk, bike, or take bus to school.



Background

- Active Transportation Committee and City staff identified need for high-quality, low-stress bicycle and pedestrian infrastructure adjacent to schools.
- Safe Routes to School Project will identify implementable pedestrian and bicycle projects to create safer, more comfortable walking and bicycle options for Costa Mesa school children, their families, and residents.



Background

- In January 2023, the City was awarded a USDOT Safe Streets and Roads for All (SS4A) grant for the development of a Safe Routes to School (SRTS) Action Plan.
- City staff assessed existing conditions and conducted stakeholder engagement in both Spanish and English.
- Final SRTS Action Plan includes individual school profiles and 30% conceptual design plans for projects to increase safety around each school campus.

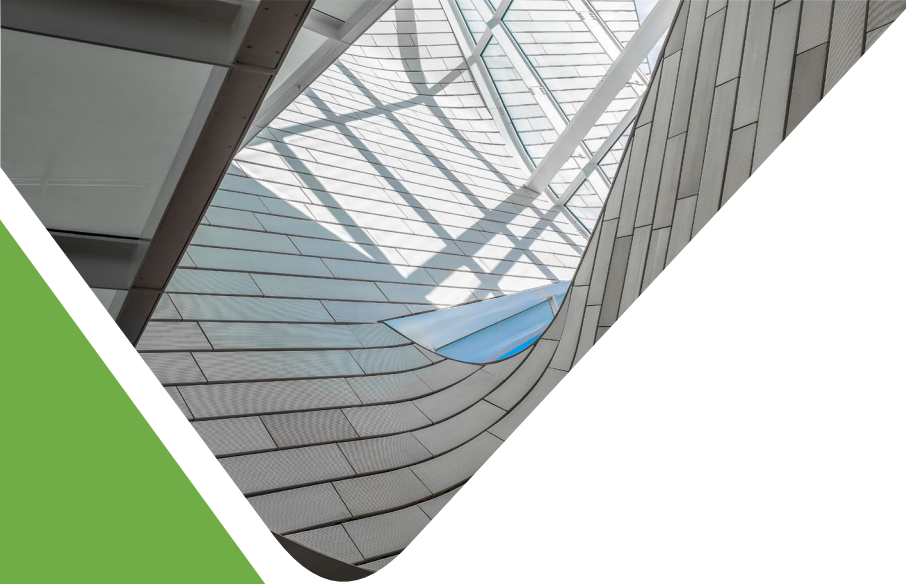
Request for Proposal

- In June 2024, a Request for Proposal was advertised for professional engineering services for the SRTS Action Plan, and eight proposals were received.
- After evaluation of proposals, and interviews with top-ranked firms, staff finds Kimley-Horn and Associates, Inc. to be well qualified to implement Project.



Recommendation

1. Award a Professional Services Agreement (PSA) to Kimley-Horn and Associates, Inc. for the development of a Safe Routes to School Action Plan in the amount of \$541,774.
2. Authorize a ten percent (10%) contingency for any unforeseen costs that may be required by the project.
3. Authorize the City Manager and the City Clerk to execute the PSA and any future amendments to the agreement.



Questions?



APPOINTMENTS TO THE ARTS, PARKS AND COMMUNITY SERVICES, AND PLANNING COMMISSIONS

City Council Meeting
January 21, 2025





BACKGROUND

- The City of Costa Mesa opened the Commission recruitment for expiring terms on Tuesday, December 10, 2024. The recruitment period ran from Tuesday, December 10, 2024 to Friday, January 10, 2025.
- Included in the recruitment was the vacant seat on the Parks and Community Services Commission.
- Press releases regarding the recruitment were sent on December 10, 2024, December 18, 2024, December 26, 2024, January 2, 2025, January 6, 2025 and January 10, 2025. The recruitment was also featured on the City Hall Snapshot on December 13, 2024, and December 20, 2024.
- In response to the City's outreach efforts, a total of 37 applications were received.

ARTS COMMISSION

- Make four (4) member appointments with a term expiration of January 2029
 - Appointments by Mayor Stephens, Council Member Buley, Council Member Gameros, and Council Member Pettis
 - Four (4) members must be residents of Costa Mesa and up to three (3) non-residents that are affiliated with the Arts.
1. Syed Zia Hussian - District 2
 2. Brendan Ford - District 2
 3. Katherine 'Kate' Ryan - District 3
 4. Fisher Derderian - District 4 (Incumbent)
 5. Joy Ferguson - District 5
 6. Allison Mann - District 5 (Incumbent)
 7. Lauren Hillary - District 6
 8. Seana Brief - District 6
 9. Kathryn Boren - District 6
 10. Brian Ross - District 6
 11. Neo Moreno - Non-Resident
 12. Debora Wondercheck - Non-Resident (Incumbent)



PLANNING COMMISSION

- Make four (4) member appointments with a term expiration of January 2029
 - Appointments by Mayor Stephens, Council Member Buley, Council Member Gameros, and Council Member Pettis

1. Jonathan H. Zich - District 1 (Incumbent)
2. Jeffrey M. Chon - District 1
3. Daniel Baume - District 2
4. Johnny Rojas - District 2 (Incumbent)
5. Syed Zia Hussain - District 2
6. Dillon Knight - District 2
7. Scott Cobett - District 3
8. John Terrence Witkowski - District 5
9. Elizabeth (Betsy) C. Densmore - District 5

10. Jake Husen - District 5
11. Robert L. Dickson Jr. - District 5
12. Christopher Karjala - District 6
13. Kathryn Boren - District 6
14. Russell Toler - District 6 (Incumbent)
15. Jeffrey Harlan - District 6
16. Garrett Whitfield - District 6
17. Jennifer Leigh Tanaka - District 6

PARKS AND COMMUNITY SERVICES COMMISSION

- Make four (4) member appointments with a term expiration of January 2029
 - Appointments by Mayor Stephens, Council Member Buley, Council Member Gameros, and Council Member Pettis
- Make one (1) member appointment with a term expiration of January 2027
 - Appointment by Council Member Marr

1. Jason Komala - District 1
2. James Peters - District 1
3. Daniel Baume - District 2
4. Syed Zia Hussain - District 2
5. Brandice Lea Leger - District 3 (Incumbent)
6. Jose Luis Toscano - District 3
7. Cara Roseanne Stewart - District 3
8. Lauren Weiss - District 4

9. Stephen Smith - District 5
10. Elizabeth (Betsy) C. Densmore - District 5
11. Jake Husen - District 5
12. Elizabeth Dorn Parker - District 6 (Incumbent)
13. Kathryn Boren - District 6
14. Shayanne Wright - District 6 (Incumbent)
15. Jordan Annis - District 6
16. Jennifer Leigh Tanaka - District 6