

UNOFFICIAL UNTIL APPROVED

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

**February 12, 2024**

**CALL TO ORDER**

The Chair called the meeting to order at 6:00 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 Karen Klepack, Commissioner Johnny Rojas, Commissioner Jimmy Vivar, Commissioner Jon Zich

Absent: Commissioner Angely Andrade

Officials Present: Assistant City Manager and Interim Economic and Development Services Director Cecilia Gallardo-Daly, Assistant Director of Development Services Scott Drapkin, Planning and Sustainable Development Manager Bill Rodrigues, Public Works Director Raja Sethuraman, City Engineer Seung Yang, Assistant City Attorney Tarquin Preziosi, Assistant Planner Chris Aldana, and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS**

None.

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

Wendy Simo spoke on the noise coming from Gym 12, bicycle safety and road maintenance.

Shirley McDaniel's spoke on the proposed Jamboree Housing project at the Senior Center on 19<sup>th</sup> Street. She expressed concerns about short-term and long-term parking impacts, public safety, and against the possibility that the Senior Center may be temporarily closed.

Ida Wolf expressed concerns about potential impacts from the proposed senior housing project and suggested an alternative location for the project.

**PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:**

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Commissioner Vivar thanked the public for their attendance and encouraged the public to continue to attend future meetings.

Commissioner Zich spoke on the comment by Wendy Simo. He informed Ms. Simao that the sound study for Gym 12 will be heard at a City Council meeting and encouraged her to sign up for informative alerts for future meetings. He also commented on Ms. McDaniel's and Ms. Wolf's comments and informed them that the City Council will have a screening review for the senior center project at the next City Council meeting.

Chair Ereth informed the public that he attended the Chamber of Commerce's coffee with the Police Chief, Mesa Water District Citizens Water Issues Group, and Trellis meeting for city leaders. He informed the public that he has been appointed as Chair for the Newport-Mesa School District Surplus Land Committee and encouraged the public to attend the next meeting on March 4, 2024 at 5:30 p.m.

**CONSENT CALENDAR:**

**No member of the public or Commissioners requested to pull a Consent Calendar item.**

**1. APPROVAL OF MEETING MINUTES: JANUARY 22, 2024**

**MOVED/SECOND:** Vivar/Klepack

**MOTION:** Approve recommended action for Consent Calendar Item No. 1.

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Rojas, Klepack, Vivar, Zich

Nays: None

Absent: Andrade

Abstained: None

Motion carried: 6-0

**ACTION:** Planning Commission approved the minutes of the regular meeting of the January 22, 2024.

**PUBLIC HEARINGS:**

- 1. MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303 SQUARE FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT YARD/LANDSCAPE SETBACK; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

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**Project Description:** Zoning Application (MCUP) 22-11, Development Review PDVR-23-0003, and Minor Modification PMND-23-0003 is a request to demolish an existing 25,159-square-foot furniture store and to construct a new 2,913-square-foot drive-through restaurant (Raising Cane's) and a 1,303-square-foot outdoor patio. The proposed hours of operation are 9 a.m. to 2 a.m. Sunday through Wednesday, 9 a.m. to 3:30 a.m., Thursday through Saturday. The proposed request also involves a reduction of the drive-through lane width from the standard 11-foot width to 10-feet, a deviation from required parking by seven spaces, and a 20% reduction in the required front building setback.

**Environmental Determination:** The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15303 (Class 3), for new construction and conversion of small structures, and section 15332 (Class 32) in-fill development projects.

Five ex-parte communications reported:

- Commissioner Rojas met with the adjacent property owner.
- Commissioner Zich visited the site and the location on Harbor Boulevard. He also received an email from the applicant.
- Chair Erath communicated with the applicant team by phone and also discussed the project with the Chamber of Commerce.
- Commissioner Vivar received an email from the applicant and spoke with City staff.
- Commissioner Klepack met with the applicant's consultant and visited the Harbor Boulevard site.

Chris Aldana, Assistant Planner, presented the staff report.

The Commission asked questions of staff including discussion of upgrades to ADA ramp, queuing analysis, reduction in width of the driveway, location to nearby Seabreeze Villa Mobile Home Park, hours of operation, employee parking, applicants request for a reduction of required parking, data from the traffic study, funding for bus stop, and about land uses in the surrounding area.

### **The Chair opened the Public Hearing.**

Kristin Roberts, representative for the applicant, stated that she had read the staff report and agrees to the conditions of approval, then presented an overview of the proposed project, and introduced other members of her team to address questions.

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The Commission asked questions of the applicant including discussion of parking requirements, setbacks, proposed drive-thru, landscaping, queuing overflow, pedestrian access and safety, drive-aisle width, bike racks, bike storage, hours of operation, community outreach, ambient noise, and the traffic safety.

**The Chair opened public comments.**

Patrick Powers spoke in favor of the item.

Greg Kelly spoke in opposition to the item.

Kelly Barmutler spoke in favor of the item.

Nick Kelly spoke in opposition to the item.

Speaker five spoke in favor of the item.

Speaker six spoke in favor of the item.

Speaker seven spoke in favor of the item.

Antonia Course spoke in favor of the item.

Even Griffen spoke in favor of the item.

Speaker ten spoke in favor of the item.

Speaker eleven spoke in favor of the item.

Mark Richer spoke in favor of the item.

Ty Handson spoke in opposition to the item.

David Swerdlin spoke in opposition to the item.

Speaker fifteen spoke in opposition to the item.

Dan King spoke in opposition to the item.

Steve Shriner spoke in opposition to the item.

Andy Ta spoke in opposition of the item.

**The Chair closed public comments.**

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The Commission, Applicant and Staff continued their discussion on driveway-aisle reconstruction, curb work and community input from occupants at Sea Breeze Villas.

**The Chair closed the Public Hearing.**

The Commission discussed the motion including adding a condition to narrow the driveway, queuing issues, noise concerns, neighborhood compatibility, concerns related to traffic and ingress and egress concerns, hours of operation, redesign, and seasonal traffic issues.

Commissioner Vivar modified his motion to include limiting the hours to 11:00 p.m. seven days a week.

Commissioner Klepack expressed concern for the modified motion. Chair Ereth and Commissioner Zich expressed support.

Commissioner Klepack and Vice Chair Toler asked to re-open the public hearing to hear the applicant's thoughts about the proposed modification to the hours of operation.

**The Chair re-opened the public hearing.**

Ms. Micha, a representative for the applicant, expressed her concerns about the modification to hours. She stated the change would not allow their business to provide their customers with quality service. Another member of the applicant team, Kristin Roberts, commented that they would not accept that modification because it would not be operationally sound for their business.

The Commission, Applicant and Staff had a discussion on the impact that the hours of operation change would have on their business, noise concerns for surrounding neighborhoods and a suggestion for a one-year review.

**The Chair closed the Public Hearing.**

The Commission discussed the modified motion including possibly adding a requirement for the Planning Commission to conduct a one-year post-opening review.

Commissioner Vivar then amended his modified motion by reverting back to his original motion with the added condition to require Planning Commission review of operations one-year after business commences. Seconded by Commissioner Klepack.

**MOVED/SECOND:** Vivar/Klepack

**MOTION:** Approve application with added conditions to narrow the driveway width and require Planning Commission review of operations one-year after the business begins

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operating.

The motion carried by the following roll call vote:

Ayes: Toler, Klepack, Vivar, Zich

Nays: Ereth, Rojas

Absent: Andrade

Abstain: None

Motion carried: 4-2-1-0

**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 15303 (Class 3), New Construction and Conversion of Small Structures and Section 15332 (Class 32 In-fill Development Projects); and
2. Approve ZA-22-011, PDVR-23-0003, and PMND-23-0003 with the addition of conditions to narrow the Old Newport Boulevard driveway width from 36-feet to 26-feet and to return to the Planning Commission one year after business operations commence to review drive-through operations.

**RESOLUTION PC-2024-04 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING MINOR CONDITIONAL USE PERMIT APPLICATION ZA-22-11 FOR A DRIVE-THROUGH OPERATION AND A REDUCTION OF REQUIRED PARKING; DEVELOPMENT REVIEW (PDVR-23-0003) TO ALLOW THE DEMOLITION OF AN EXISTING 25,159-SQUARE-FOOT COMMERCIAL BUILDING AND TO CONSTRUCT A NEW 2,913-SQUARE-FOOT RAISING CANES RESTAURANT WITH 1,303-SQUARE-FEET OF COVERED OUTDOOR PATIO AREA; MINOR MODIFICATION PMND-23-0003 TO ALLOW FOR A DECREASE OF 20% IN REQUIRED FRONT/LANDSCAPE DEPTH; FOR A PROPERTY LOCATED AT 1595 OLD NEWPORT BOULEVARD**

The Chair explained the appeal process.

**OLD BUSINESS:**

None.

**NEW BUSINESS:**

None.

**DEPARTMENTAL REPORTS:**

1. Public Works Report – Mr. Yang announced that the new traffic signal at West 19<sup>th</sup> Street and Wallace Avenue is operational.

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2. Development Services Report – None.

**CITY ATTORNEY'S OFFICE REPORT:**

1. City Attorney – None.

**ADJOURNMENT AT 9:06 PM**

Submitted by:

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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION