



CITY OF COSTA MESA

PLANNING COMMISSION

Agenda

Monday, June 12, 2023

6:00 PM

**City Council Chambers
77 Fair Drive**

The Commission meetings are presented in a hybrid format, both in-person at City Hall and as a courtesy virtually via Zoom Webinar. If the Zoom feature is having system outages or experiencing other critical issues, the meeting will continue in person.

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- During the Public Comment Period, use the “raise hand” feature located in the participants’ window and wait for city staff to announce your name and unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

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During the Public Comment Period, press *9 to add yourself to the queue and wait for city staff to announce your name/phone number and press *6 to unmute your line when it is your turn to speak. Comments are limited to 3 minutes, or as otherwise directed.

4. Additionally, members of the public who wish to make a written comment on a specific agenda item, may submit a written comment via email to the PCPublicComments@costamesaca.gov. Comments received by 12:00 p.m. on the date of the meeting will be provided to the Commission, made available to the public, and will be part of the meeting record.

5. Please know that it is important for the City to allow public participation at this meeting. If you are unable to participate in the meeting via the processes set forth above, please contact the City Clerk at (714) 754-5225 or cityclerk@costamesaca.gov and staff will attempt to accommodate you. While the City does not expect there to be any changes to the above process for participating in this meeting, if there is a change, the City will post the information as soon as possible to the City’s website.

Note that records submitted by the public will not be redacted in any way and will be posted online as submitted, including any personal contact information.

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Note regarding agenda-related documents provided to a majority of the Commission after distribution of the agenda packet (GC §54957.5): Any related documents provided to a majority of the Commission after distribution of the Agenda Packets will be made available for public inspection. Such documents will be posted on the city's website and will be available at the City Clerk's office, 77 Fair Drive, Costa Mesa, CA 92626.

All cell phones and other electronic devices are to be turned off or set to vibrate. Members of the audience are requested to step outside the Council Chambers to conduct a phone conversation.

Free Wi-Fi is available in the Council Chambers during the meetings. The network username available is: CM_Council. The password is: cmcouncil1953.

As a LEED Gold Certified City, Costa Mesa is fully committed to environmental sustainability. A minimum number of hard copies of the agenda will be available in the Council Chambers. For your convenience, a binder of the entire agenda packet will be at the table in the foyer of the Council Chambers for viewing.

In compliance with the Americans with Disabilities Act, Assistive Listening headphones are available and can be checked out from the City Clerk. If you need special assistance to participate in this meeting, please contact the City Clerk at (714) 754-5225. Notification at least 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. [28 CFR 35.102.35.104 ADA Title II].

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PLANNING COMMISSION REGULAR MEETING

JUNE 12, 2023 – 6:00 P.M.

ADAM ERETH
Chair

RUSSELL TOLER
Vice Chair

JOHNNY ROJAS
Planning Commissioner

ANGELY ANDRADE VALLARTA
Planning Commissioner

TIM TABER
Planning Commissioner

JON ZICH
Planning Commissioner

JENNIFER LE
Director of Economic and
Development Services

JIMMY VIVAR
Planning Commissioner

TARQUIN PREZIOSI
Assistant City Attorney

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ROLL CALL

ANNOUNCEMENTS AND PRESENTATIONS:

1. [INTRODUCTION TO 2021 AND 2022 GENERAL PLAN ANNUAL 23-1260 PROGRESS REPORT](#)

RECOMMENDATION:

Staff recommends that the Planning Commission: Receive a presentation from staff that will provide background information regarding General Plan Annual Progress Report for 2021 and 2022.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA

Comments are limited to three (3) minutes, or as otherwise directed.

COMMISSIONER COMMENTS AND SUGGESTIONS

5. [GENERAL PLAN CONFORMITY FOR THE PROPOSED VACATION OF AN UTILITY EASEMENT LOCATED AT 1940 WALLACE AVENUE \(ASSESSOR'S PARCEL NUMBER 422-203-10\)](#)

RECOMMENDATION:

Staff recommends the Planning Commission adopt 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 15061(b)(3); and
2. Find that the proposed utility easement vacation is in conformance with the City of Costa Mesa General Plan.

Attachments: [Agenda Report](#)

1. [Draft Planning Commission Resolution](#)
2. [Engineering Memo](#)
3. [Vicinity Map](#)

6. [GENERAL PLAN CONFORMITY FOR A PROPOSED UTILITY EASEMENT VACATION LOCATED AT 2156 MYRAN DRIVE \(ASSESSOR'S PARCEL NUMBER 422-203-10\)](#)

RECOMMENDATION:

Staff recommends the Planning Commission adopt 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 15061(b) (3); and
2. Find that the proposed utility easement vacation is in conformance with the City of Costa Mesa General Plan.

Attachments: [Agenda Report](#)

1. [Draft Planning Commission Resolution](#)
2. [Engineering Memo](#)
3. [Vicinity Map](#)

PUBLIC HEARINGS: None.

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENT REPORTS:

1. PUBLIC WORKS REPORT
2. DEVELOPMENT SERVICES REPORT

CITY ATTORNEY REPORTS:

1. CITY ATTORNEY

ADJOURNMENT

PLANNING COMMISSION MEETING:

Costa Mesa Planning Commission meets on the second and fourth Monday of each month at 6:00 p.m.

APPEAL PROCEDURE:

Unless otherwise indicated, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an affected party files an appeal to the City Council, or a member of City Council requests a review. Applications for appeals are available through the City Clerk's Office; please call (714) 754-5225 for additional information.

CONTACT CITY STAFF:

77 Fair Drive, Costa Mesa, CA 92626
Planning Division (714) 754-5245
planninginfo@costamesaca.gov



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1260

Meeting Date: 6/12/2023

TITLE:

INTRODUCTION TO 2021 AND 2022 GENERAL PLAN ANNUAL PROGRESS REPORT

DEPARTMENT: ECONIMIOIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION

RECOMMENDATION:

Staff recommends that the Planning Commission: Receive a presentation from staff that will provide background information regarding General Plan Annual Progress Report for 2021 and 2022.



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1256

Meeting Date: 6/12/2023

TITLE:

JULY 11, 2022 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPART/PLANNING
DEPARTMENT

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of July 11, 2022.

UNOFFICIAL UNTIL APPROVED

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

July 11, 2022

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Vivar led the Pledge of Allegiance.

ROLL CALL

Present: Chair Byron de Arakal, Vice Chair Jon Zich, Commissioner Jonny Rojas, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Vivar

Absent: Commissioner Adam Ereth

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Director of Development Services Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Transportation Services Manager Jennifer Rosales, Senior Planner Nancy Huynh Assistant Planner Gabe Villalobos, and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

None.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Russell encouraged the public to watch the City Councils Study Session on the Housing Element. She also informed the public on the first Concert in the Park event.

Chair de Arakal encouraged the public to attend the City Councils Study Session on the Housing Element.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 22-13 FOR A CANNABIS DISTRIBUTION FACILITY (“HERA DISTRIBUTION LLC”) AT 3505 CADILLAC AVENUE, UNIT F3

Project Description: Planning Application 22-13 is a request for a Conditional Use Permit (CUP) to operate a cannabis distribution facility (Hera Distribution LLC) within a 5,890-square-foot tenant space at 3505 Cadillac Avenue, Unit F3. The proposal will include the demolition of interior partition walls and interior tenant improvements to establish limited access areas for distribution storage and auxiliary office space. One distribution vehicle will be stored underroof within the existing warehouse space.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications reported.

Gabe Villalobos, Assistant Planner, presented the staff report.

Commission and Staff Discussion:

Commissioner Toler and Commissioner Rojas thanked staff for the Measure X maps that were included in the report. Chair de Arakal asked staff whether this was the first distribution only application the commission has heard.

Chair opened Public Hearing.

Mike Stewart, applicant, stated he had read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on showroom practice, procedures and customer experience at the proposed location. Whom the applicant would allow access to the showroom and the applicant’s consolidation of their other cannabis business in Santa Ana.

The Chair opened Public comments.

PUBLIC COMMENT:

No Public Comments.

The Chair closed Public Comments.

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The Chair closed the Public Hearing.

Commissioner Toler made a motion to approve application PA-22-13 subject to conditions of approval. Seconded by Commissioner Russell.

Vice Chair Zich stated he was in support of the motion.

Commissioner Vivar stated he was in support of the motion.

Chair de Arakal stated he was not in support of the motion.

MOVED/SECOND: Toler/Russell

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Zich, Rojas, Russell, Toler, Vivar

Nays: de Arakal

Absent: Ereth

Abstained: None

Motion carried: 5-1-1-0

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 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 22-13, subject to conditions of approval.

RESOLUTION PC-2022-13 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-13 FOR A CANNABIS DISTRIBUTION FACILITY (HERA DISTRIBUTION LLC) AT 3505 CADILLAC AVENUE, UNIT F3

The Chair explained the appeal process.

2. PLANNING APPLICATION 21-25 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2801 HARBOR BOULEVARD, SUITE C, D, AND E (OFF THE CHARTS)

Project Description: Planning Application 21-25 is a request for a CUP to allow a retail cannabis uses in an existing 2,400-square-foot tenant space within the existing commercial building located at 2801 Harbor Boulevard, Suites C, D, and E. The affiliated State license is Type 10 "storefront retailer" which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

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Environmental Determination: The project is categorically exempt from the provisions of California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15301 for the permitting and/or minor alteration of Existing Facilities, involving negligible or no expansion of the existing use.

No ex-parte communications reported.

Gabriel Villalobos, Assistant Planner, presented the staff report.

Commission and staff discussion included:

Discussion ensued on Cannabis Regulation Policies, parking lot re-pavement, number of parking spaces available, employee parking and security guard presence.

Commission, Staff and Applicant Discussion included:

Shawn Maddocks, applicant's representative, stated he read and agreed to the conditions of approval.

Discussion ensued on bike parking, on and off-site parking plans, number of employees and product delivery.

Vice Chair Zich asked the applicant to clarify the offsite-parking plan.

The Chair opened Public Comments.

PUBLIC COMMENT:

The Chair closed public comment and public hearing.

Chair de Arakal made a motion to approve application PA-21-25 subject to conditions of approval. Seconded by Commissioner Rojas.

Chair de Arakal spoke on his motion.

Commissioner Vivar spoke in opposition of the motion.

Commissioner Russell spoke in support of the motion.

Vice Chair Zich spoke in support of the motion.

MOVED/SECOND: de Arakal/Rojas

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: de Arakal, Zich, Rojas, Russell, Toler

Nays: Vivar

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Absent: Ereth
 Abstained: None
 Motion carried: 5-1-1-0

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 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-25, subject to conditions of approval.

RESOLUTION NO. PC-2022-14 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-25 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY IN THE C1 ZONE AT 2801 HARBOR BOULEVARD

The Chair explained the appeal process.

Chair called for a recess at 7:55 p.m.

Chair reconvened the meeting at 8:05 p.m.

3. PLANNING APPLICATION 21-24 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 2275 NEWPORT BOULEVARD

Project Description: Planning Application 21-24 is a request for a Conditional Use Permit (CUP) to allow a retail cannabis storefront use in an existing 1,738-square-foot commercial building located at 2275 Newport Boulevard. The affiliated State license is Type 10 “storefront retailer” which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers visiting the storefront, and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

No ex-parte communications.

Gabriel Villalobos, Assistant Planner, presented the staff report.

Commission and Staff:

Discussion ensued on ADA parking, general parking, bike wracks and parking lot restriping.

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Shawn Maddocks, Applicants representative, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Discussion ensued on customer check-in procedures, landscaping, planned mural, intended use of surplus parking and parking lot improvements.

The Chair opened the public hearing.

The Chair opened public comments.

PUBLIC COMMENTS

Speaker one, spoke in support. However, asked the City to better utilize the lot and add another business to the site.

Speaker two, spoke in support. However, had traffic concerns.

The Chair closed public comment and public hearing.

Commissioner Vivar made a motion to approve application PA-21-24 subject to conditions of approval. Seconded by Commissioner Rojas.

Commissioner Russell spoke in support of the motion.

Vice Chair Zich spoke in support of the motion.

Commissioner Vivar spoke in support of the motion.

Chair de Arakal spoke in support of the motion.

MOVED/SECOND: Vivar/Rojas

MOTION: Move staff's recommendation as written.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Ereth

Abstained: None

Motion carried: 6-0-1-0

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 15301 (Class 1), Existing Facilities; and

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2. Approve Planning Application 21-24, subject to conditions of approval.

RESOLUTION PC-2020-15 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-24 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY (NECTAR MARKETS) IN THE C2 ZONE AT 2275 NEWPORT BOULEVARD

The Chair explained the appeal process.

4. PLANNING APPLICATION 21-20 FOR A RETAIL CANNABIS STOREFRONT BUSINESS WITH DELIVERY LOCATED AT 124 EAST 17TH STREET

Project Description: Planning Application 21-20 is a request for a CUP to allow retail cannabis uses within an existing 2,340-square-foot commercial building located at 124 East 17th Street. The affiliated State license is a Type 10 “storefront retailer” which also allows retail delivery. Upon approval of a CUP, CBP, City Business License, and State licenses, the business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite and via delivery to private addresses, subject to conditions of approval and other City and State requirements.

Environmental Determination: The project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15301 (Class 1), Existing Facilities.

Nancy Huynh, Senior Planner, presented staff report.

Commission and Staff:

Discussion ensued on ADA parking, driveway width, and easements.

Chair de Arakal asked about the property’s easements.

Chair opened Public Hearing.

Peter Ishak, applicant, stated he read and agreed with the conditions of approval.

Commission, Staff and Applicant:

Discussion ensued on applicants’ relationships with neighboring businesses, planned mural, product display cases and packaging

The Chair opened public comment.

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PUBLIC COMMENTS:

No public comments.

The Chair closed Public comments.

Commission, Staff and Applicant:

Discussion ensued on proposed parking and the wall located in the parking lot.

Chair de Arakal closed the public hearing.

Commissioner Russell made a motion to approve application PA-21-20 subject to conditions of approval. Seconded by Chair de Arakal.

Commissioner Toler spoke in support of the motion.

Commissioner Vivar spoke in support of the motion.

Vice Chair Zich spoke in support of the motion.

Commissioner Russell spoke on her motion.

Chair de Arakal spoke in support of the motion.

MOVED/SECOND: Russell/de Arakal

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Ereth

Abstained: None

Motion carried: 6-0-1-0

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 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-20, subject to conditions of approval.

RESOLUTION PC-2020-16 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-20 FOR A STOREFRONT RETAIL CANNABIS BUSINESS WITH DELIVERY IN THE C2 ZONE AT 124 EAST 17TH STREET

The Chair explained the appeal process.

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DEPARTMENTAL REPORT(S)

1. Public Services Report – None.
2. Development Services Report – None.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 9:33 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1257

Meeting Date: 6/12/2023

TITLE:

OCTOBER 24, 2022 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPART/PLANNING
DEPARTMENT

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of October 24, 2022.

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

October 24, 2022

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair de Arakal led the Pledge of Allegiance.

ROLL CALL

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

Absent: Commissioner Adam Ereth

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Associate Planner Christopher Yeager, Assistant Planner Jeffrey Rimando, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None

PUBLIC COMMENTS:

Jay Humphrey, Costa Mesa resident, requested an update on a proposed joint meeting with the Planning Commission and City Council on Inclusionary Housing, and also spoke on his concerns regarding ballot Measure K.

Costa Mesa resident, spoke on her noise concerns regarding Gym 12 at 140 17th Street.

Speaker 3, spoke on her concerns on the City's Housing Element submittal and transparency.

Speaker 4, spoke on housing construction and transparency.

Speaker 5, spoke on her concerns regarding ballot Measure K.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Chair de Arakal asked Director of Economic and Development Services Jennifer Le to provide a brief update on the City's Housing Element in response to public comments.

Ms. Le gave an update on the City's Housing Element document and a brief history. Ms. Le indicated that staff submitted the adopted draft to the State for certification, which the State responded with additional comments to the City in April, 2022. Ms. Le noted this information can be found on the City's website.

Chair de Arakal also addressed a question from Jay Humphrey regarding a joint study session with the City Council on an Inclusionary Housing Ordinance for the City. Ms. Le will follow-up on this request.

Commissioner Vivar thanked the public for attending tonight's meeting.

Commissioner Toler thanked the public for attending the meeting and addressed the speakers concerns on the gym noise in her neighborhood. He also commented on the approval of the adult day care center from last meeting.

Commissioner Russell also thanked the public for attending the meeting, their public comments and reminded the public to vote in the upcoming election.

Vice Chair Zich remarked on Commissioner Toler's previous comments. He also asked Ms. Le to comment on the "builders remedy" upcoming deadline and if that would impact our Housing Element submittal.

Ms. Le noted the City Attorney's office is looking into the "builders remedy" deadline.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:

- 1. PLANNING APPLICATION 22-35 FOR A CONDITIONAL USE PERMIT TO OPERATE A NEW CONVENIENCE STORE WITH SALE OF ALCOHOLIC BEVERAGES AND OFF-SITE CONSUMPTION FOOD ITEMS AT 1500 ADAMS AVENUE, SUITE 104A**

Project Description: Planning Application 22-35 is a request for a Conditional Use Permit (CUP) to operate a new convenience store with sale of alcoholic beverages (Type 21 ABC License) and pre-prepared food items for off-site consumption. The

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proposed hours of operation are Sunday through Wednesday 9:00 AM to 8:00 PM and Thursday through Saturday 9:00 AM to 10:00 PM. No outdoor uses are 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.

No ex-parte communications to report.

Assistant Planner Jeffrey Rimando, presented the staff report.

Commission and Staff:

Commissioner Vivar asked whether their previous business was located in the same census tract and had the same Type 21 ABC license.

Mr. Rimando noted the previous business was not in the same census tract and had the same Type 21 license.

Discussion ensued regarding the proposed hours of operation as noted in staff's conditions of approval.

The Chair opened Public Hearing.

Michael Cho, authorized agent for the applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. Cho thanked staff and provided an overview of the application. He noted Condition of Approval No. 36 may be incorrect after speaking with Assistant Director Scott Drapkin prior to the meeting.

Commissioner Vivar asked the applicant on their adding sandwiches and specialty foods to their new business.

Mr. Cho noted the applicant did not have the ability to have food service at their old location, which the applicant always intended to add to the business.

Vice Chair Zich asked whether the food service was a lease restriction at their old location.

Mr. Cho noted it was not a lease restriction, rather limited space and not being able to add a kitchen with plumbing which prompted the applicant to find a new space.

The Chair opened Public comments.

PUBLIC COMMENT:

Speaker 1 spoke in favor of the business.

The Chair closed the public hearing.

Commissioner Toler made a motion, seconded by Commissioner Russell.

Commissioner Toler, Commissioner Russell, Commissioner Vivar, Vice Chair Zich spoke in favor of the motion.

Chair de Arakal spoke in support of the motion.

MOVED/SECOND: Toler/Russell

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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

Nays: None

Absent: Ereth

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) Section 15301 (Class 1), Existing Facilities and;
2. Approve Planning Application 22-35, subject to conditions of approval.

RESOLUTION PC-2022-28 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-35 FOR A CONVENIENCE STORE (THE MIXING GLASS) WITH SALE OF ALCOHOLIC BEVERAGES UNDER A STATE ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 21 LICENSE (ON-SALE GENERAL) AT 1500 ADAMS AVENUE SUITE 104A

The Chair explained the appeal process.

2. **A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE APPROVING CODE AMENDMENT CO-2022-XX AMENDING CHAPTER V, ARTICLE 1, SECTION 13-35 (ACCESSORY DWELLING UNITS) OF TITLE 13 OF THE COSA MESA MUNICIPAL CODE TO CLARIFY EXISTING ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW (CODE AMENDMENT CO-2022-01)**

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Project Description: Costa Mesa Municipal Code Section 13-35 Accessory Dwelling Unit (ADU) Amendment to update the City's Accessory Dwelling Unit provisions. The purpose of the proposed Zoning Ordinance amendment is to comply with recent changes in State ADU Laws, to clarify certain existing local ADU provisions, and to provide additional local ADU development standard flexibilities. The Planning Commission will consider the proposed amendments and make a recommendation to the City Council.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Public Resources Code Section 21080.17 and CEQA Guidelines Section 15282(h), in that adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1, 65852.150 and 65852.2 is exempt from the requirements of CEQA. In addition, the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that the minor updates to the City's ADU provisions will not have a significant impact on the environment.

No ex-parte communications to report:

Associate Planner Christopher Yeager, presented the staff report.

Commission and Staff:

Commissioner Vivar asked Mr. Yeager to clarify the processing issues that were mentioned in the presentation.

Mr. Yeager noted there is a 60-day time limit to process ADU requests, plus other standard practices that the City has already adopted.

Discussion ensued regarding open space requirements for lots or other areas for the community or neighborhood that would be available for the residents, and the four-foot setback requirements from the property line.

Commissioner Rojas asked for clarification on the multi-family dwelling unit ADU's allowed and square footage.

Commissioner Toler requested a brief recap on parking requirements for ADU's.

Mr. Yeager noted the current ordinance does not require parking for any ADU's because the State would not allow any local jurisdictions to require parking if it is located within a half-mile from public transit, which the vast majority of the City is.

Discussion ensued regarding side street set-backs and alley setbacks, and if the standards differ for each.

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Commissioner Toler also asked for clarification on the size of ADU's above garage areas, which Mr. Yeager noted could not exceed the square footage of the garage.

Discussion ensued regarding balcony locations, outside stairways and the 27-foot rule for second stories.

Vice Chair Zich asked whether the ADU's can be rented out, which Mr. Yeager noted they can be rented along with the primary residence, however short-term rentals are prohibited.

Discussion ensued regarding roof decks not being allowed for ADU's and walkways for access to the ADU's.

Vice Chair Zich asked for clarification on the number of ADU's allowed for multi-family developments.

Chair de Arakal asked for clarification on the number of ADU's allowed on multi-family or single-family parcels, which Mr. Yeager answered.

Discussion ensued regarding the placement of balcony's only in the front of the property, in order to give privacy to the backyards of the neighbors.

The Chair opened the Public Hearing:

The Chair opened Public Comments.

PUBLIC COMMENT:

None.

The Chair closed Public Comment.

Commissioner Vivar asked whether the ordinance will have restrictions regarding windows facing backyards.

Mr. Yeager noted the new ordinance will restrict windows on a second story ADU within 25 feet of a neighboring dwelling to have 5-foot ceiling heights in order to restrict views into neighboring properties.

Discussion ensued regarding lots, junior accessory dwelling units and parcel maps.

Chair de Arakal commented on allowing junior accessory dwelling units on a lot with multiple single-family dwelling units.

Vice Chair Zich requested clarification on the number of ADU's a multi-family parcel would be allowed to add to the lot.

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Mr. Yeager noted two 800-square-foot ADU's would be allowed on this type of lot.

Discussion ensued regarding State law and square footage of ADU's.

The Chair re-opened Public Comments to allow a member of the public to speak.

Speaker 1 noted she had applied for an ADU and requested approval. Chair de Arakal asked staff to meet with the speaker after the meeting to get contact information and follow-up with the speaker.

Commissioner Toler asked whether a two story ADU is allowed with a single-level home.

Mr. Yeager noted height restrictions apply to what you can legally construct on a lot, which is 25 feet high.

Discussion ensued on non-conforming uses and square footage allowed for an ADU.

The Chair closed the Public Hearing.

Chair de Arakal made a motion, seconded by Commissioner Vivar.

Commissioner Vivar spoke in favor of the motion.

Commissioner Toler asked that aesthetic requirements be added for garage door façade conversions, acknowledge differences when assessing exterior stairs and entrance requirements, and additional nuanced requirements for balcony requirements and privacy.

Commissioner Russell supports the motion, and making sure that the City makes it easier for the building of ADUs.

Vice Chair Zich spoke in favor of the motion and would like the four-foot side and rear setback for ADUs looked at to prohibit mechanical equipment placed there. He also commented on loosing open space when adding ADUs, increased parking on streets and affordability.

Chair de Arakal commented that anything the City can do to add housing stock is positive and spoke on housing affordability.

MOVED/SECOND: de Arakal/Vivar

MOTION: Move staff's recommendation with added recommendations to City Council.

The motion carried by the following roll call vote:

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

Nays: None

UNOFFICIAL UNTIL APPROVED

Absent: Ereth
 Recused: None
 Motion carried: 6-0

ACTION: The Planning Commission adopted a resolution to:

1. Find that adoption of this resolution is exempt from the California Environmental Quality Act (CEQA) pursuant to the Public Resources Code Section 21080.17 and CEQA Guidelines Section 154282(h), in that the adoption of an ordinance regarding second units in a single-family or multifamily zone by a city or county to implement the provisions of Sections 65852.1, 65852.150 and 65852.2 is exempt from the requirements of CEQA. In addition, the proposed ordinance amendment is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) in that there is no possibility that the minor updates to the City's ADU provisions will have a significant impact on the environment; and
2. The Planning Commission recommends the City Council approve the ordinance attached hereto as Exhibit A with the added recommendations to City Council below.

ADDED RECOMMENDATIONS TO CITY COUNCIL:

- Look for ways to continue to facilitate the development of additional ADUs within the City including considering allowing one ADU per unit on a common interest development property.
- Prohibit mechanical equipment placement within required four-foot side and rear setback for ADUs.
- Look to reduce the occurrence of poorly designed garage facades that are converted into ADUs including providing additional requirements related to the garage door façade conversion.
- Acknowledge the difference between public facing property lines including front property lines, street side yard property lines, and alley property lines when assessing exterior stairs and entrance requirements for ADUs.
- Provide additional nuanced requirements for balcony location to ensure privacy for neighboring properties and allowing for eyes on the street.

RESOLUTION PC-2022-29 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE APPROVING CODE AMENDMENT CO-2022-XX AMENDING CHAPTER V, ARTICLE 1, SECTION 13-35 (ACCESSORY DWELLING UNIT PROVISIONS AND TO MODIFY STANDARDS TO CONFORM TO RECENT REVISIONS TO STATE LAW

DEPARTMENTAL REPORT(S)

Minutes – Costa Mesa Planning Commission Meeting – October 24, 2022 - Page 8

UNOFFICIAL UNTIL APPROVED

1. Public Services Report – None
2. Development Services Report – Ms. Le thanked staff for their hard work, and noted that staff served numerous customers this year.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 8:23 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1258

Meeting Date: 6/12/2023

TITLE:

SEPTEMBER 26, 2022 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPART/PLANNING
DEPARTMENT

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of September 26, 2022.

UNOFFICIAL UNTIL APPROVED

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

September 26, 2022

CALL TO ORDER

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Russell led the Pledge of Allegiance.

ROLL CALL

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

Absent: Chair Byron de Arakal

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Development Services Director Scott Drapkin, Deputy City Attorney Tarquin Preziosi, Principal Planner Phayvanh Nanthavongdouangsy, Assistant Planner Patrick Achis, Transportation Services Manager Jennifer Rosales, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

Director of Economic and Development Services Jennifer Le introduced newly hired Principal Planner, Phayvanh Nanthavongdouangsy to the Planning Commission.

PUBLIC COMMENTS:

Wendy Simo, Costa Mesa resident, thanked staff for their help in quieting the music coming from the gym located at 140 17th Street.

Jay Humphrey, Costa Mesa resident, gave a presentation on the number of housing units in Costa Mesa.

Costa Mesa business owner, spoke on his cannabis business (Winter Green) that came before the Planning Commission last April.

Costa Mesa resident, spoke on ballot Measure K.

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Costa Mesa resident, also spoke on ballot Measure K.

Costa Mesa resident, asked for an update on when the road repair taking place on Wilson Street between Harbor Boulevard and Fairview Road would be completed. City Engineer Seung Yang gave an update on the project.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Toler spoke on the recent street tragedies in the City, road safety and the comfort of our streets. He expressed support for staff in their efforts to make the streets better for all people. He also announced three bills signed by the Governor: AB 1938, AB 2264 and AB 2097.

Commissioner Ereth noted he attended the State of The City and thanked the Chamber of Commerce for their efforts. He was also pleased to have attended Art Venture and to see all the local artists represented at the event. He noted his attendance at the Wild & Scenic film festival held in Mesa Verde last weekend.

Commissioner Vivar thanked the public for attending the Commission meeting and welcomed Phayvanh to the City. He noted his participation in a prayer breakfast with Council Member Reynolds in honor of Hispanic Heritage month. He requested that staff provide a site map showing locations of approved and pending Measure Q applications. Director Lee noted staff will provide this information to the Commission.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:

- 1. ZONING APPLICATION 22-22 TO AMEND A PREVIOUSLY APPROVED CONDITIONAL USE PERMIT (PA-17-17) TO DEVIATE FROM SHARED PARKING REQUIREMENTS AND ALLOW AN ACCESSORY TASTING AREA IN AN EXISTING HOME-BREWING SUPPLY AND SPECIALTY BEER AND WINE STORE (WINDSOR HOMEBREW SUPPLY) IN THE C1 ZONE FOR PROPERTY AT 743 BAKER STREET, SUITES D AND E**

Project Description: Planning Application ZA-22-22 is an amendment to an existing conditional use permit (PA-17-07). The proposed amendment would add a 476-square-foot accessory tasting area within an existing retail establishment that specializes in beer, wine, and home brewing. The accessory tasting area is designed to provide customers with a beer tasting and educational experience. Included is a request for a finding of public convenience or necessity for the issuance for a Type 42 (On-Sale Beer and Wine – Public Premises) license through the California Department

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of Alcoholic Beverage Control (ABC). Proposed hours of operation are 10 a.m. to 7 p.m. daily.

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.

Two ex-parte communications to report:

Commissioner Russell visited the site and talked with staff.

Vice Chair Zich visited the site and also talked with staff.

Assistant Director Scott Drapkin introduced Assistant Planner Patrick Achis to the Commission.

Assistant Planner Patrick Achis, presented the staff report.

Commission and Staff:

Commissioner Vivar asked why staff included Land Use Policy 6.7 for this application. Assistant Planner Achis noted the policy was used as a way to retain and encourage the economic opportunities for this existing business.

Vice Chair Zich had questions regarding the conceptual plans submitted. Staff noted that more detailed plans would be submitted in the building permit stage.

Discussion ensued regarding portable refrigerated units, the prohibition of their use, and the requirements of ADA compliance of restrooms.

The Vice Chair opened public hearing.

Mr. Scott Windsor, applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. Windsor thanked staff and provided a brief overview of the business.

Commissioner Vivar inquired whether the applicant would use the second instructional class proposed in the report. Mr. Windsor answered he would not at the present time, but wanted that option in the future, if needed.

The Vice Chair opened Public Comments.

PUBLIC COMMENT:

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Roderick Graham, adjacent property owner, spoke in favor of the application and insufficient parking in the surrounding area. He asked the Commissioners to consider a paid parking plan for the area.

Kyle Bishop, Costa Mesa resident, spoke in favor of the application.

The Vice Chair closed Public Comments.

The Vice Chair closed the Public Hearing.

Commissioner Toler made a motion, seconded by Commissioner Rojas.

Commissioner Toler spoke on his motion and supported the idea of paid parking in the area.

Commissioner Rojas spoke on his second and also supported the idea of paid parking.

Commissioner Russell spoke on her support for retaining an existing business and paid parking for the area.

Commissioner Vivar spoke in support of retaining this existing business and the idea of paid parking.

Commissioner Ereth also spoke in support of the application.

Vice Chair Zich spoke on his support for the application, and the number of ABC licenses in the area. He also commented on the parking in the area.

MOVED/SECOND: Toler/Rojas

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

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

Nays: None

Absent: de Arakal

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) Section 15301 (Class 1), Existing Facilities; and
2. Approve Zoning Application 22-22 and making a finding of public convenience or necessity for the issuance of a Type 42 (On-Sale Beer and Wine – Public Premises) ABC license, subject to conditions of approval.

RESOLUTION PC-2022-23 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING

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APPLICATION 22-22 FOR A CONDITIONAL USE PERMIT AMENDMENT TO DEVIATE FROM SHARED PARKING REQUIREMENTS AND ALLOW AN ACCESSORY TASTING AREA IN AN EXISTING HOME-BREWING SUPPLY AND SPECIALTY BEER AND WINE STORE IN THE C1 ZONE FOR PROPERTY AT 743 BAKER STREET, SUITES D AND E

The Vice Chair explained the appeal process.

2. PLANNING APPLICATION 22-17 FOR A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE K-12 SCHOOL (RENASCENCE SCHOOL INTERNATIONAL) IN THE C1 ZONE FOR THE PROPERTY AT 1600 ADAMS AVENUE AND 2850 MESA VERDE DRIVE EAST

Project Description: Planning Application 22-17 is a request for a Conditional Use Permit to operate a private K-12 school (Renescence School International) in the existing 23,000 square foot building. Up to 210 students would attend the school on weekdays from 8:00 a.m. to 3:30 p.m.

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 and 15332 (Class 32) In-Fill Development Projects.

Four ex-parte communications to report:

Commissioner Ereth recused himself from the item, due to his long term support of the Renascence School.

Commissioner Vivar talked to one of the parents of a student.

Commissioner Russell attended their open house, took a tour of the facility and talked to staff.

Commissioner Rojas talked to someone affiliated with the school at the beginning of this meeting.

Assistant Planner Patrick Achis, presented the staff report.

Commission and Staff:

Commissioner Rojas asked for clarification on the pickup drop off area noted in the staff report.

Assistant Development Services Director Scott Drapkin noted he will have Transportation Manager Jennifer Rosales speak to the Commission on any traffic concerns.

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Commissioner Russell asked whether the traffic circulation for this school would interfere with the Montessori School next door.

Mr. Drapkin noted staff had visited the site on several occasions, spoke with the Montessori school and does not believe it would create any traffic impacts.

Commissioner Vivar asked whether an elevator would be on site due to ADA concerns.

Mr. Arich confirmed the applicant is adding an elevator to the property.

Commissioner Vivar had questions on signage and traffic restrictions for the site.

Transportation Services Manager Jennifer Rosales, spoke on the signage while exiting the site and striping for the right turn restrictions on Adams Avenue.

Vice Chair Zich requested clarification on the enrollment numbers for the school, which he received.

Discussion ensued on parking space counts and available parking spaces for this property and the adjacent property.

Discussion ensued regarding access via Mesa Verde Drive East, vehicle queuing during drop off times for the school and way finder signs on Adams Avenue to direct patrons into the correct school entrance.

The Vice Chair opened Public Hearing.

Adrienne Gadsden, case planner for the project, spoke briefly on the conditions of approval.

Carrie Mizera, Executive Director and authorized agent, stated she read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Ms. Mizera thanked staff and provided an overview of the application.

Several students and a representative of the property owner spoke in support of the project.

Commissioner Toler asked whether the school had a bus system or ride share program in order to mitigate the vehicles coming into the school. Ms. Mizera noted the school is actively working with a ride share program to implement a plan in the near future.

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Discussion ensued regarding the City's upcoming Adams Avenue improvement plans that will provide significant changes to the street.

Commissioner Toler noted his concern with the right turn lane onto Adams Avenue from the school and questioned if additional conditions of approval need to be added.

Commissioner Vivar supported language learning and the students that spoke in support of their school.

Discussion ensued regarding bicycle racks, bus drop off zone area for field trips; and a food and supply delivery designated area.

Vice Chair Zich thanked the students for their presentation and asked whether the school had any accreditations.

Ms. Mizera noted the school is in the process of obtaining accreditation through WASA.

The Vice Chair opened Public comments.

PUBLIC COMMENT:

Speaker 1, student attending the school, spoke in favor of the application.

Speaker 2, spoke in favor of the application.

Eric Emory, Costa Mesa resident, spoke in favor of the application and pedestrian safety on Mesa Verde Drive East.

Heather Reeves, resident and business owner in Costa Mesa, spoke in favor of the application.

Danny Reed, Campus Director of Renaissance School International (K-12), spoke in favor of the application and the school.

Christina Nielson, Costa Mesa resident, spoke in favor of the application.

Michael Flynn, Costa Mesa resident and business owner, spoke in favor of the application.

Mag Christianson, Costa Mesa resident, spoke in favor of the application.

Deanna Law, spoke in favor of the application.

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Dr. Mary Pham, Costa Mesa resident and business owner, spoke in favor of the application.

Catelyn Swaggert, Costa Mesa resident, spoke in favor of the application.

The Vice Chair closed Public Comments.

Ms. Mizera clarified that they will have bike rack at the school.

Commissioner Vivar requested clarification of the Mesa Verde Drive entrance restrictions.

Assistant Director Scott Drapkin, noted that entrance will also have right turn only restrictions and signage for the school.

The Vice Chair closed the public hearing.

Commissioner Russell made a motion, seconded by Commissioner Rojas.

Commissioner Russell spoke on the motion and approval of the application.

Commissioner Rojas spoke on the motion and his approval of the application.

Commissioner Toler spoke on the motion, his approval of the application and asked the City to make note of the school entrance during the Adams Avenue project.

Commissioner Vivar spoke on the motion and approval of the application. He asked the maker of the motion whether they would add a condition to include a (R-3-2) No Left Turn sign facing the traffic from the driveway.

Mr. Drapkin noted that the motion could include the language that staff can research and review Commissioner Vivar's request for the sign and include this an additional condition of approval, only if appropriate.

Commissioner Russell affirmed the additional language to the motion. Commissioner Rojas affirmed.

Vice Chair Zich spoke on the motion and his approval of the application.

MOVED/SECOND: Russell/Rojas

MOTION: Move staff's recommendation and have staff research and review whether a (R-3-2) No Left Turn sign facing traffic from the driveway on Adams Avenue be added as a Condition of Approval, only if appropriate.

The motion carried by the following roll call vote:

Ayes: Zich, Rojas, Russell, Toler, Vivar

Nays: None

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Absent: de Arakal
 Recused: Ereth
 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) Section 15301 (Class 1), Existing Facilities and Section 15332 (Class 32), Infill; and
2. Approve Planning Application 22-17, subject to conditions of approval.

RESOLUTION PC-2022-24 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-17 FOR A CONDITIONAL USE PERMIT TO ALLOW A PRIVATE K-12 SCHOOL IN THE C1 ZONE FOR THE PROPERTY AT 1600 ADAMS AVENUE AND 2850 MESA VERDE DRIVE EAST

The Vice Chair explained the appeal process.

Commissioner Ereth returned to the dais at 8:22 p.m.

The Commission took a break at 8:23 p.m.

The Commission reconvened at 8:35 p.m.

3. PLANNING APPLICATION 21-29 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 170 EAST 17TH STREET, SUITES 115 AND 116 (CATALYST)

Project Description: Planning Application 21-29 is a request for a Conditional Use Permit to operate a storefront retail cannabis business within an existing 2,559 – square-foot tenant space (suites 115 and 116) within an existing commercial building located at 170 East 17th Street. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customer’s onsite, subject to conditions.

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.

Five ex-parte communications to report:

Commissioner Ereth visited the property and spoke to the current tenant.

Commissioner Vivar visited the property and spoke to the current tenant.

Commissioner Russell visited the property and met with several tenants in the building.

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Commissioner Toler had spoken with the applicant via Zoom call.

Vice Chair Zich visited the property and spoke with the property owner.

Senior Planner Nancy Huynh, presented the staff report.

Commission and Staff:

Commissioner Ereth requested clarification on how the applicant will achieve greater conformance to code requirements, as outlined in the staff report.

Ms. Huynh noted the applicant will landscape and re-stripe the parking area, in order to achieve greater code compliance.

Discussion ensued regarding advertisement standards for cannabis.

Commissioner Vivar requested clarification on the Land Use Policy used for this application.

Vice Chair Zich had a question on Condition of Approval (COA) number 11 and number 7.

Ms. Huynh noted COA number 11 should have referenced COA number 6, staff will make that correction.

Discussion ensued regarding the Lot Line adjustment requirement and recordation prior to building permits being issued for this project.

The Vice Chair opened the Public Hearing:

Mr. Elliott Lewis, owner and applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

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

Commissioner Vivar requested clarification on the applicant's social equity license issued in Los Angeles County.

Mr. Lewis explained the process and the license issued for those cannabis businesses.

Discussion ensued regarding the project site location and the the current tenant.

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Commissioner Ereth noted his meeting with the current tenant.

Discussion ensued regarding the business integrating with the neighborhood and how that will be accomplished.

The Vice Chair opened Public Comments.

PUBLIC COMMENT:

Speaker 1, employee of Catalyst, spoke in favor of the application.

Speaker 2, employee of Catalyst, spoke in favor of the application.

Amber Tovar, employee of Catalyst, spoke in favor of the application.

Danielle Lopez, employee of Catalyst, spoke in favor of the application.

Valerie Brunege, employee of Catalyst, spoke in favor of the application.

Christiana Ahmad, spoke in favor of the application.

The Vice Chair closed Public Comments.

The Vice Chair closed the Public Hearing.

Mr. Elliott spoke in favor of his application.

Vice Chair Zich spoke on his visit to the location and observed storage containers and canopies in the parking lot that support the car wash and asked if these were approved.

Ms. Huynh affirmed they are an approved use for that parking lot.

Discussion ensued on the parking lot and storage container approvals.

Commissioner Toler made a motion, seconded by Commissioner Russell.

Commissioner Toler, Commissioner Russell and Commissioner Rojas spoke in favor of the motion.

Commissioner Vivar spoke in opposition of the motion.

Vice Chair Zich spoke in favor of the motion.

MOVED/SECOND: Toler/Russell

MOTION: Move staff's recommendation.

UNOFFICIAL UNTIL APPROVED

The motion carried by the following roll call vote:

Ayes: Zich, Rojas, Russell, Toler

Nays: Ereth, Vivar

Absent: de Arakal

Recused: None

Motion carried: 4-2

ACTION: The Planning Commission adopted a resolution to:

2. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-29, subject to conditions of approval.

RESOLUTION PC-2022-25 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-29 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (CATALYST) IN THE C2 ZONE AT 170 EAST 17TH STREET, SUITES 115 AND 116

The Vice Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang introduced Transportation Serviced Manager Jennifer Rosales who spoke on two “Walk to School Day” events planned on October 5th and 12th. She invited the Commissioners and public to attend.

Mr. Yang spoke on the duration of the street project on Placentia Avenue, per Vice Chair Zich’s request.

2. Development Services Report – None.

CITY ATTORNEY’S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 9:46 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1259

Meeting Date: 6/12/2023

TITLE:

MAY 08, 2023 UNOFFICIAL MEETING MINUTES

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPART/PLANNING
DEPARTMENT

RECOMMENDATION:

Planning Commission approve Minutes of a regular meeting of May 08, 2023.

UNOFFICIAL UNTIL APPROVED

**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.

UNOFFICIAL UNTIL APPROVED

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).

UNOFFICIAL UNTIL APPROVED

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

UNOFFICIAL UNTIL APPROVED

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:

UNOFFICIAL UNTIL APPROVED

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,

UNOFFICIAL UNTIL APPROVED

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)

UNOFFICIAL UNTIL APPROVED

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



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1261

Meeting Date: 6/12/2023

TITLE:

GENERAL PLAN CONFORMITY FOR THE PROPOSED VACATION OF AN UTILITY EASEMENT LOCATED AT 1940 WALLACE AVENUE (ASSESSOR'S PARCEL NUMBER 422-203-10)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

PRESENTED BY: CAITLYN CURLEY, ASSISTANT PLANNER

CONTACT INFORMATION: CAITLYN CURLEY, (714) 754-5692;
Caitlyn.Curley@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission adopt 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 15061(b)(3); and
2. Find that the proposed utility easement vacation is in conformance with the City of Costa Mesa General Plan.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 12, 2023

ITEM NUMBER:CC-5

SUBJECT: GENERAL PLAN CONFORMITY FOR THE PROPOSED VACATION OF AN UTILITY EASEMENT LOCATED AT 1940 WALLACE AVENUE (ASSESSOR'S PARCEL NUMBER 422-203-10)

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT: CAITLYN CURLEY
(714) 754-5692
Caitlyn.Curley@costamesaca.gov**

RECOMMENDATION

Staff recommends the Planning Commission adopt 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 15061(b)(3); and
2. Find that the proposed utility easement vacation is in conformance with the City of Costa Mesa General Plan.

APPLICANT OR AUTHORIZED AGENT

The authorized agent is Jason Richart, for the property owner, TN Apartments, LLC.

PLANNING APPLICATION SUMMARY

Location:	1940 Wallace Avenue	Application Numbers:	NA
Request:	Finding of substantial conformance with the Costa Mesa General Plan to vacate a utility easement at the rear of the property at 1940 Wallace Avenue, as part of the construction of a new, detached accessory dwelling unit within the current easement.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	R2-HD (Multiple Family Residential, High Density)	North:	R2-HD (Multiple-Family Residential, High Density)
General Plan:	High Density Residential	South:	R2-HD(Multiple-Family Residential, High Density)
Lot Dimensions:	64.5 ft. x 288 ft.	East:	R2-HD(Multiple-Family Residential, High Density)
Lot Area:	18,576 sq. ft.	West:	R3(Multiple-Family Residential)
Existing Development:	Multifamily apartment complex		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed R2-HD Dev. Standard	Proposed/Provided*
Building Height	27 ft.	22 ft.
Setbacks:		
Front	20 ft.	63 ft.
Side (left/ right)	5 ft. / 5 ft.	10 ft. / 5 ft.
Rear	15 ft.	67 ft.
Landscape Setback – front	20 ft.	20 ft.
Parking	28	19
Minimum Open Space	40%	40.32%
*Per Building Permit No. 43944-45		
CEQA Status	Exempt per CEQA Guidelines Section 15061(b)(3) (General Rule)	
Final Action	Planning Commission	

BACKGROUND

The subject property is located on the eastern side of Wallace Avenue, between West 19th Street and West 20th Street. The property is developed with a two-story, ten-unit multifamily building and a detached, one-story accessory dwelling unit at the rear of the property, and a surface parking lot with driveway access from Wallace Avenue. Pursuant to the City's Master Plan of Highways, Wallace Avenue and Sterling Avenue are both designated as Local Streets (40-foot width). The property is zoned R2-HD (Multiple-Family Residential District, High Density) and has a General Plan Land Use Designation of High Density Residential. The applicant is requesting the vacationing of a 14-foot portion of an existing utility easement located at the rear of the subject property near Sterling Avenue, in conjunction with the construction of a new, detached accessory dwelling unit.

ANALYSIS

The subject easement consists of the rear, easterly 20 feet of the 1940 Wallace Avenue property, located adjacent to Sterling Avenue. The purpose of the easement is for underground and overhead public utilities.

Southern California Edison maintains overhead utilities and power poles along Sterling Avenue, and therefore a six-foot portion of the easement is to remain. The proposed vacation would only apply to the remaining 14 feet of the easement (approximately 889 square feet). According to the Costa Mesa Engineering and Transportation Services Divisions, the subject 889 square-foot utility easement area is not necessary for the present or prospective public right-of-way and/or utility purposes.

GENERAL PLAN CONFORMANCE

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Real Property) requires the City's planning agency (Planning Commission) to review and report its determination whether the location, purpose and extent of the easement vacation is consistent with the City's General Plan. In this regard, the proposed vacation of utility easement area is in compliance with the following applicable General Plan goals and policies:

- *Housing Element Goal No.1: Preserve and enhance the City's existing housing supply.*
- *Housing Element Goal No. 2: Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.*
- *Housing Element Program 3E: Promote the development of accessory dwelling units (ADUs).*

In regards to the location, purpose and extent of the subject easement vacationing consistency with the City's General Plan, the location of the vacated easement is not needed for present or perspective public purposes, and the purpose and extent of the approximate 889 square-foot vacated easement will be used to facilitate further housing

opportunities in the City, as specifically consistent with the General Plan Housing Element.

ENVIRONMENTAL DETERMINATION

The vacationing of the surplus utility easement has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental review procedures. CEQA Guidelines Section 15061(b)(3) (General Rule) states that when it can be seen with certainty that there is no possibility that an action will have a significant effect on the environment, that activity is not subject to CEQA. The evaluation of General Plan consistency for the vacationing of a utility easement will not have any effect on the environment. Therefore, it can be seen with certainty that there is no possibility of significant environmental effects from the proposed utility easement vacation.

ALTERNATIVES

Pursuant to Government Code Section 65402, the Planning Commission must report upon General Plan conformance for the proposed utility easement vacationing. Other than adopting a General Plan Conformity resolution, there are no other viable alternatives that would comply with State law.

CONCLUSION

The subject utility easement area is not needed for present or prospective public right-of-way and/or utility purposes, and the easement area will be utilized for the development of a new ADU, which is consistent with the aforementioned General Plan provisions to enhance and facilitate the creation of housing opportunities in the City, including ADUs.

RESOLUTION NO. PC-2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE PROPOSED VACATION OF EXCESS UTILITY EASEMENT AREA LOCATED AT 1940 WALLACE AVENUE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA GENERAL PLAN

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, at the request of the property owner, TN Apartments, LLC, the City of Costa Mesa Public Services and Public Works Departments have reviewed a request to vacate an excess portion of utility easement located near Sterling Avenue on the private property located at 1940 Wallace Avenue;

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not acquire real property nor abandon or dispose of any real property, nor construct a public building or structure in any county or city, until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto;

WHEREAS, the Costa Mesa City Council adopted the City of Costa Mesa 2015-2035 General Plan (General Plan) on June 21, 2016;

WHEREAS, the subject property, 1940 Wallace Avenue (APN 422-262-14), is located on the eastern side of Wallace Avenue, between West 19th Street and West 20th Street and contains a two-story, ten-unit multifamily building and a detached, one-story accessory dwelling unit at the rear of the property. The property is zoned R2-HD (Multiple-Family Residential District, High Density) and has a General Plan Land Use Designation of High Density Residential;

WHEREAS, the proposed vacation of approximately 889 square feet of utility easement area is consistent with certain applicable General Plan Housing Element goals and policies including but not limited to Housing Element Goal No. 1 to “preserve and enhance the City’s existing housing supply”, Housing Element Goal No. 2 to “facilitate the creation and availability of housing for residents at all income levels and for those with

special housing needs”, and Housing Program 3E to “promote the development of accessory dwelling units (ADUs)”;

WHEREAS, the subject utility easement is shown in Attachment 2 to the Planning Commission Agenda Report dated June 12, 2023;

WHEREAS, the Costa Mesa Planning Commission reviewed the proposed vacation of utility easement on June 12, 2023, at a public hearing; and

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City’s environmental procedures, and has been found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule), in that it can be seen with certainty that there is no possibility that the proposed determination for General Plan Conformance for the vacationing of an easement will have a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that, the Planning Commission does hereby adopt this Resolution pursuant to Government Code Section 65402 that finds that the proposed vacation of utility easement area at 1940 Wallace Avenue is in conformance with the City of Costa Mesa General Plan in regard to purpose, location and extent.

PASSED AND ADOPTED this 12th day of June, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2023- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on June 12, 2023 by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-__



CITY OF COSTA MESA

Public Works Department

Memorandum

TO: Scott Drapkin, Assistant Development Services Director

FROM: Seung Yang, City Engineer

DATE: May 18, 2023

**SUBJECT: Proposed Vacation of a Portion of Utility Easement at
1940 Wallace Avenue**

The Engineering Division has received a request for the vacation of a portion of an existing easement for utility purposes at 1940 Wallace Avenue (see Attachment). The easement in question is 20-foot wide and is along Sterling Avenue, as this property is situated between Wallace Avenue and Sterling Avenue. This easement is for the purpose of reserving all existing underground and overhead public utility easements and right of ingress and egress for the purpose of maintaining all public utilities within the property limits of 1940 Wallace Avenue.

This easement vacation is being requested by the property owner in conjunction with the proposed development of an Accessory Dwelling Unit (ADU). Responses from the utility notifications showed that there are no underground utilities within the proposed easement area to be vacated.

However, Southern California Edison (SCE) maintains and continues to maintain overhead utilities and power poles along Sterling Avenue, and this portion of the easement is to remain, at a width of 6-feet from the right-of-way or property line along Sterling Avenue. Therefore, the remaining width of 14-feet of this existing easement for utility purposes is proposed to be vacated.

The proposed easement vacation area has been reviewed by the Engineering Division, and it has been determined that this utility easement is not necessary for public or utility purposes, and consequently, is not required.

It is therefore recommended that the proposed vacation of a portion of this utility easement continue to be processed and forwarded to the City Council for approval. After the proposed partial utility easement vacation is approved and recorded, the subject vacated easement will revert back to the owner of 1940 Wallace Avenue.

It is requested that the Planning Division provide a determination of consistency with the General Plan and present this proposed vacation of a portion of utility easement to the Planning Commission meeting on June 12, 2023. Please submit a confirmation that this request has been received and scheduled.

Information or assistance required for this project may be obtained from Seung Yang, City Engineer, at extension 5335.

Attachment: Proposed Vacation of a Portion of Utility Easement

c: Jennifer Le, Director of Economic and Development Services
Raja Sethuraman, Public Works Director
Nancy Huynh, Senior Planner
Caitlyn Curley, Assistant Planner
Michelle Halligan, Consultant Planner

EXHIBIT "A"
LEGAL DESCRIPTION

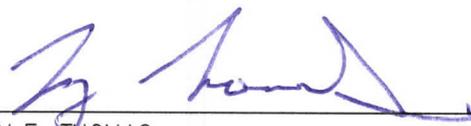
THAT PORTION OF LOT 12 IN BLOCK "F" OF TRACT NO. 612, IN THE CITY OF COSTA MESA, COUNTY OF ORANGE, STATE OF CALIFORNIA, AS SHOWN ON A MAP RECORDED IN BOOK 20, PAGES 1 AND 2 OF MISCELLANEOUS MAPS, RECORDS OF ORANGE COUNTY, CALIFORNIA MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE WESTERLY 14.00 FEET OF THE EASTERLY 20.00 FEET OF SAID LOT 12.

CONTAINING 889.3 SQUARE FEET MORE OR LESS.

AS SHOWN ON EXHIBIT "B" ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

THIS DESCRIPTION WAS PREPARED UNDER BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE LAND SURVEYOR'S ACT



TY E. THOMAS
P.L.S. 9309

5-22-2023

DATE

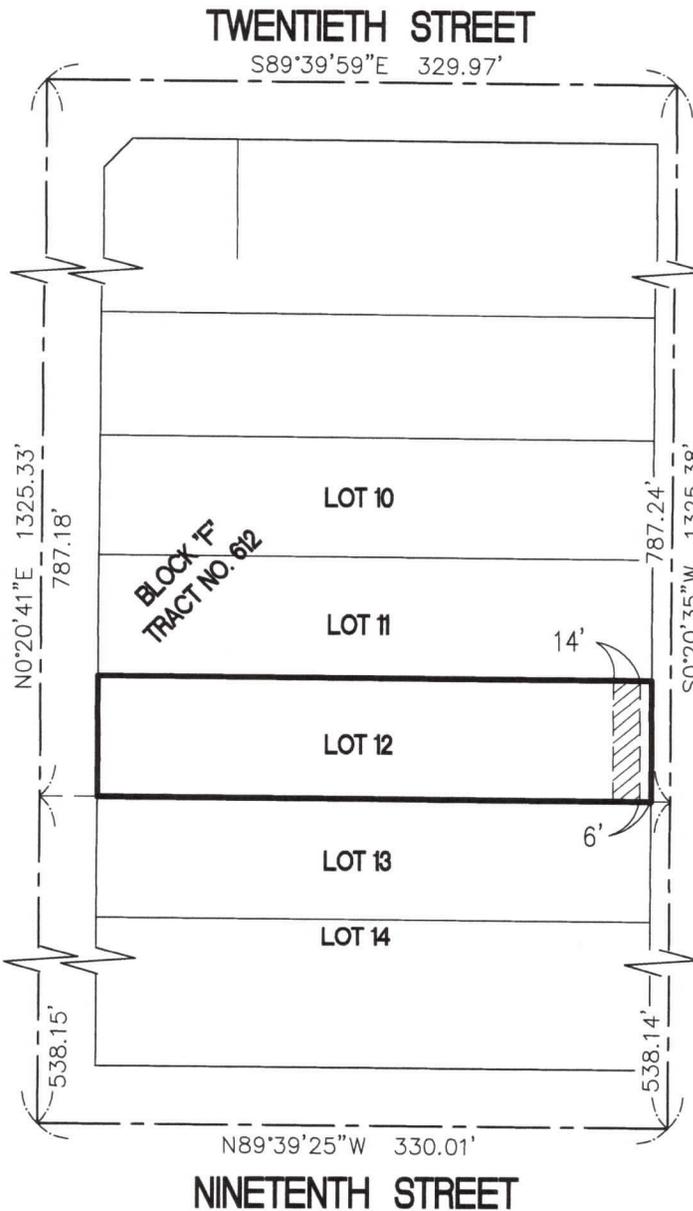


EXHIBIT "B"

HAMILTON STREET				
AVENUE	AVENUE	AVENUE		AVENUE
PLACENTIA	PALACE	WALLACE	SITE	STERLING
				POMONA
19TH STREET				

NTS
VICINITY MAP

WALLACE AVENUE



STERLING AVENUE



Ty E. Thomas
5-22-2023
DATE
TY E. THOMAS
P.L.S. 9309

LEGEND

VACATION AREA

NORTH
GRAPHIC SCALE



PREPARED BY:
T&M SURVEYING
331 E. TRENTON AVE.
ORANGE, CA.
714-906-8771
WWW.TNMSURVEYING.COM



JN:
-1616
CHECKED
TET
SHEET
1 OF 1



Legend
 Costa Mesa

1: 3,102 



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 © City of Costa Mesa

The City of Costa Mesa makes no guarantee as to the accuracy of any of the information provided and assumes no liability for any errors, omissions, or inaccuracies.

Notes



CITY OF COSTA MESA

Agenda Report

77 Fair Drive
Costa Mesa, CA 92626

File #: 23-1262

Meeting Date: 6/12/2023

TITLE:

GENERAL PLAN CONFORMITY FOR A PROPOSED UTILITY EASEMENT VACATION LOCATED AT 2156 MYRAN DRIVE (ASSESSOR'S PARCEL NUMBER 422-203-10)

DEPARTMENT: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/ PLANNING DIVISION

PRESENTED BY: CAITLYN CURLEY, ASSISTANT PLANNER

CONTACT INFORMATION: CAITLYN CURLEY, (714) 754-5692;
Caitlyn.Curley@costamesaca.gov

RECOMMENDATION:

Staff recommends the Planning Commission adopt 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 15061(b) (3); and
2. Find that the proposed utility easement vacation is in conformance with the City of Costa Mesa General Plan.



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 12, 2023

ITEM NUMBER:CC-6

SUBJECT: GENERAL PLAN CONFORMITY FOR A PROPOSED UTILITY EASEMENT VACATION LOCATED AT 2156 MYRAN DRIVE (ASSESSOR'S PARCEL NUMBER 422-203-10)

**FROM: ECONOMIC AND DEVELOPMENT SERVICES DEPARTMENT/
PLANNING DIVISION**

PRESENTATION BY: CAITLYN CURLEY, ASSISTANT PLANNER

**FOR FURTHER INFORMATION CONTACT: CAITLYN CURLEY
(714) 754-5692
Caitlyn.Curley@costamesaca.gov**

RECOMMENDATION

Staff recommends the Planning Commission adopt 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 15061(b) (3); and
2. Find that the proposed utility easement vacation is in conformance with the City of Costa Mesa General Plan.

APPLICANT OR AUTHORIZED AGENT

The authorized agent is Dan Vy Ngoc Nguyen, for the property owner, the Dan Vy Ngoc Nguyen Revocable Living Trust.

PLANNING APPLICATION SUMMARY

Location:	2156 Myran Drive	Application Numbers:	NA
Request:	Finding of substantial conformance with the Costa Mesa General Plan to vacate a utility easement located at 2156 Myran Drive, in conjunction with a proposed subdivision and the construction of two new single-family homes, a portion of which will be constructed within the current easement.		

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone:	R2-MD (Multiple Family Residential, Median Density)	North:	R2-MD (Multiple-Family Residential, Medium Density)
General Plan:	Median Density Residential	South:	R2-MD (Multiple-Family Residential, Medium Density)
Lot Dimensions:	39 ft. x 132 ft.	East:	R2-MD (Multiple-Family Residential, Medium Density)
Lot Area:	5,158 sq. ft.	West:	R2-MD (Multiple-Family Residential, Medium Density)
Existing Development:	Vacant land		

DEVELOPMENT STANDARDS COMPARISON

Development Standard	Required/Allowed R2-MD Dev. Standard	Proposed/Provided
Building Height	27 ft.	25 ft. 1 ¾ in.
Setbacks:		
Front	20 ft.	20 ft.
Side (left/ right)	5 ft. / 5 ft.	5 ft. / 5 ft.
Rear	15 ft.	15 ft. 0¼ in.
Landscape Setback – front	20 ft.	20 ft.
Parking	4	4
Minimum Open Space	200 sq. ft.	1,858 sq. ft.
CEQA Status	Exempt per CEQA Guidelines Section 15061(b)(3) (General Rule)	
Final Action	Planning Commission	

BACKGROUND

The subject property is located on the northeast intersection of Myran Drive (a private street) and Victoria Street. The property is currently vacant; however, a design review and parcel map have been approved by the City to divide the subject property into two parcels for the construction of two single-family homes. As approved, one of the homes would be partially constructed in the vacated easement along Victoria Street. Pursuant to the City's Master Plan of Highways, Victoria Street is designated as a Secondary Arterial Street (68-foot width), and Myran Drive is designated as a Local Street (40-foot width). The property is zoned R2-MD (Multiple-Family Residential District, Medium Density) and has a General Plan Land Use Designation of Medium Density Residential.

ANALYSIS

The subject utility easement consists of the southerly 18 feet of the 2156 Myran Drive property. This 18 foot easement area was dedicated via a parcel map recorded on August 26, 1991 as part of a project to widen Victoria Street. The widening of Victoria Street and creation of a pedestrian path and green belt have been completed; however, did not utilize the entirety of the land dedication acquired by the City in 1991, resulting in the present surplus easement area. The approximate 40-foot wide parkway (that includes an existing sidewalk, bicycle path and landscape area) located along Victoria Street will not be impacted by the vacation of the subject easement, and is currently bifurcated from the subject easement area by an existing concrete block wall.

According to the Costa Mesa Engineering and Transportation Services Divisions, the subject 1,837-square-foot utility easement area is not necessary for the present or prospective public right-of-way and/or utility purposes. However, a six-foot wide utility easement is proposed to remain along the easterly side of the property as Southern California Edison maintains utilities within this easement.

GENERAL PLAN CONFORMANCE

Government Code Section 65402 (Restrictions on Acquisition and Disposal of Property) requires the City's planning agency (Planning Commission) to review and report its determination whether the location, purpose and extent of the easement vacation is consistent with the City's General Plan. In this regard, the proposed vacation of utility easement area is in compliance with the following applicable General Plan goals:

- *Housing Element Goal No.1: Preserve and enhance the City's existing housing supply.*
- *Housing Element Goal No. 2: Facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs.*

In regards to the location, purpose and extent of the subject easement vacationing consistency with the City's General Plan, the location of the vacated easement is not needed for present or perspective public purposes, and the purpose and extent of the approximately 1,837-square-foot vacated easement will be used to facilitate further

housing opportunities in the City, as specifically consistent with the General Plan Housing Element.

ENVIRONMENTAL DETERMINATION

The vacation of the excess public right-of-way has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. CEQA Guidelines Section 15061(b)(3) (General Rule) states that when it can be seen with certainty that there is no possibility that an action will have a significant effect on the environment, that activity is not subject to CEQA. The evaluation of General Plan consistency for the subject easement vacationing will not have any effect on the environment. Therefore, it can be seen with certainty that there is no possibility of significant environmental effects for the easement vacation action subject to CEQA.

ALTERNATIVES

Pursuant to Government Code Section 65402, the Planning Commission must report upon General Plan conformance for the proposed utility easement vacationing. Other than adopting a General Plan Conformity resolution, there are no other viable alternatives that would comply with State law.

CONCLUSION

The utility easement area proposed to be vacated is not needed for present or prospective public right-of-way and/or utility purposes, and the easement area will be utilized for the development of a two-unit residential project, which is consistent with the aforementioned General Plan goals to enhance and facilitate the creation of housing opportunities in the City.

RESOLUTION NO. PC-2023-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDING THAT THE PROPOSED VACATION OF EXCESS UTILITY EASEMENT AREA LOCATED AT 2156 MYRAN DRIVE IS IN CONFORMANCE WITH THE CITY OF COSTA MESA GENERAL PLAN

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA FINDS AND DECLARES AS FOLLOWS:

WHEREAS, at the request of the property owner, the Dan Vy Ngoc Nguyen Revocable Living Trust, the City of Costa Mesa Public Services and Public Works Departments have reviewed a request to vacate an excess portion of utility easement located near Victoria Street on private property located at 2156 Myran Drive;

WHEREAS, the Government Code of the State of California, Section 65402, provides in part that a local agency shall not acquire real property nor abandon or dispose of any real property, nor construct a public building or structure in any county or city, until the location, purpose, and extent of such activity has been reported upon as to conformity with the adopted General Plan applicable thereto;

WHEREAS, the Costa Mesa City Council adopted the City of Costa Mesa 2015-2035 General Plan (General Plan) on June 21, 2016;

WHEREAS, the subject property, 2156 Myran Drive (APN 422-203-10), is located at the northeast intersection corner of Myran Drive and Victoria Street. The property is zoned R2-MD (Multiple-Family Residential District, Medium Density) and has a General Plan Land Use Designation of Medium Density Residential;

WHEREAS, the proposed vacation of approximately 1,837 square feet of utility easement area is consistent with certain applicable General Plan Housing Element goals and policies including but not limited to Housing Element Goal No. 1 to “preserve and enhance the City’s existing housing supply”, and Housing Element Goal No. 2 to “facilitate the creation and availability of housing for residents at all income levels and for those with special housing needs”;

WHEREAS, the subject utility easement is shown in Attachment 2 to the Planning Commission Agenda Report dated June 12, 2023;

WHEREAS, the Costa Mesa Planning Commission reviewed the proposed vacation of utility on June 12, 2023, at a public hearing;

WHEREAS, the project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures, and has been found to be exempt pursuant to CEQA Guidelines Section 15061(b)(3) (General Rule), in that it can be seen with certainty that there is no possibility that the proposed easement vacation will have a significant effect on the environment;

NOW, THEREFORE, BE IT RESOLVED that, the Planning Commission does hereby adopt this resolution pursuant to Government Code Section 65402 related to the vacation of excess utility easement at 2156 Myran Drive is in conformance with the City of Costa Mesa General Plan is regard to purpose, location and extent.

PASSED AND ADOPTED this 12th day of June, 2023.

Adam Ereth, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Scott Drapkin, Secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution No. PC-2022- __ was passed and adopted at a regular meeting of the City of Costa Mesa Planning Commission held on June 12, 2023 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Scott Drapkin, Secretary
Costa Mesa Planning Commission

Resolution No. PC-2023-__



CITY OF COSTA MESA Public Works Department

Memorandum

TO: Scott Drapkin, Assistant Development Services Director

FROM: Seung Yang, City Engineer

DATE: March 20, 2023

SUBJECT: Proposed Utility Easement Vacation at 2156 Myran Drive

The Engineering Division has received a request for the vacation of an existing easement at 2156 Myran Drive (see Attachment). This easement is for the purpose of reserving all existing underground public utility easements and right of ingress and egress for the purpose of maintaining all public utilities within the property limits of 2156 Myran Drive.

This easement vacation is being requested by the property owner in conjunction with Parcel Map No. 2019-120. The utility easement was originally dedicated by a reservation from the right-of-way vacation of Victoria Street. Responses from the utility notifications showed that there are no underground utilities within the proposed easement area to be vacated.

However, Southern California Edison (SCE) will continue to maintain the existing 6-foot wide utility easement bordering along the easterly side of the property. SCE maintains overhead utilities and power poles within this easement, and this easement is to remain.

The proposed easement vacation area has been reviewed by the Engineering Division, and it has been determined that this utility easement is not necessary for public or utility purposes, and consequently, is not required.

It is therefore recommended that the proposed vacation continue to be processed and forwarded to the City Council for approval. After the proposed utility easement vacation is approved and recorded, the subject vacated easement will revert back to the owner of 2156 Myran Drive.

It is requested that the Planning Division provide a determination of consistency with the General Plan and present this proposed utility easement vacation to the Planning Commission meeting on June 12, 2023. Please submit a confirmation that this request has been received and scheduled.

Information or assistance required for this project may be obtained from Seung Yang, City Engineer, at extension 5335.

Attachment: Proposed Utility Easement Vacation

c: Jennifer Le, Director of Economic and Development Services
Raja Sethuraman, Public Works Director
Nancy Huynh, Senior Planner
Caitlyn Curley, Assistant Planner

EXHIBIT "A"

LEGAL DESCRIPTION

PARCEL 1:

The westerly one acre of the south half of Lot 28 of Fairview Farms in the City of Costa Mesa, County of Orange, State of California, as shown on a map recorded in Book 8, Page 71, of Miscellaneous Maps, records of said Orange County, excepting therefrom the northerly 240.00 feet, the southerly 46.98 feet, the easterly 6.00 feet and the westerly 25.00 feet thereof.

The above described parcel contains 1837 more or less square feet.

Prepared under the supervision of:
Bruce Hall Land Surveyor
5732 Middlecoff Drive
Huntington Beach, Ca. 92649



Bruce Hall
LS 4743
5/20/23



EXHIBIT "B"

SKETCH TO ACCOMPANY EXHIBIT "A"
LEGAL DESCRIPTION

DEED NO.

NO SCALE



MYRAN DRIVE

FAIRVIEW FARMS

2156 MYRAN

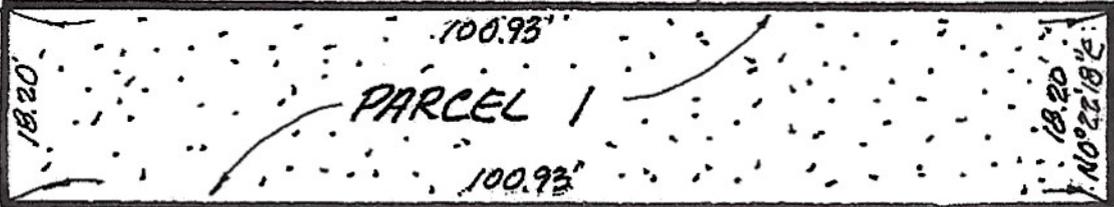
SOUTH LINE OF THE N'LY 240'
OF S 1/2 OF LOT 28, FAIRVIEW
FARMS, MM 8/71

APN
422-203-10

N 89° 39' 44" W 131.93'

12' SCE
ESMT

TRACT NO. 2092
MM 60/49



PARCEL 1

N 89° 39' 44" W 131.93'

EAST LINE OF THE W'LY ONE
ACRE OF THE SOUTH 1/2 OF
LOT 28, FAIRVIEW FARMS,
MM 8/71. ALSO BEING THE
S'LY PROLONGATION OF THE
W'LY LINE OF TRACT NO. 2092.

WEST LINE OF LOT 28
FAIRVIEW FARMS, MM 8/71.

N 0° 22' 20" E 90.18'

46.98'

N 0° 22' 18" E
46.98'

CHARLIE DRIVE

N 89° 39' 44" W 131.93'

N 89° 39' 44" W 264.11'

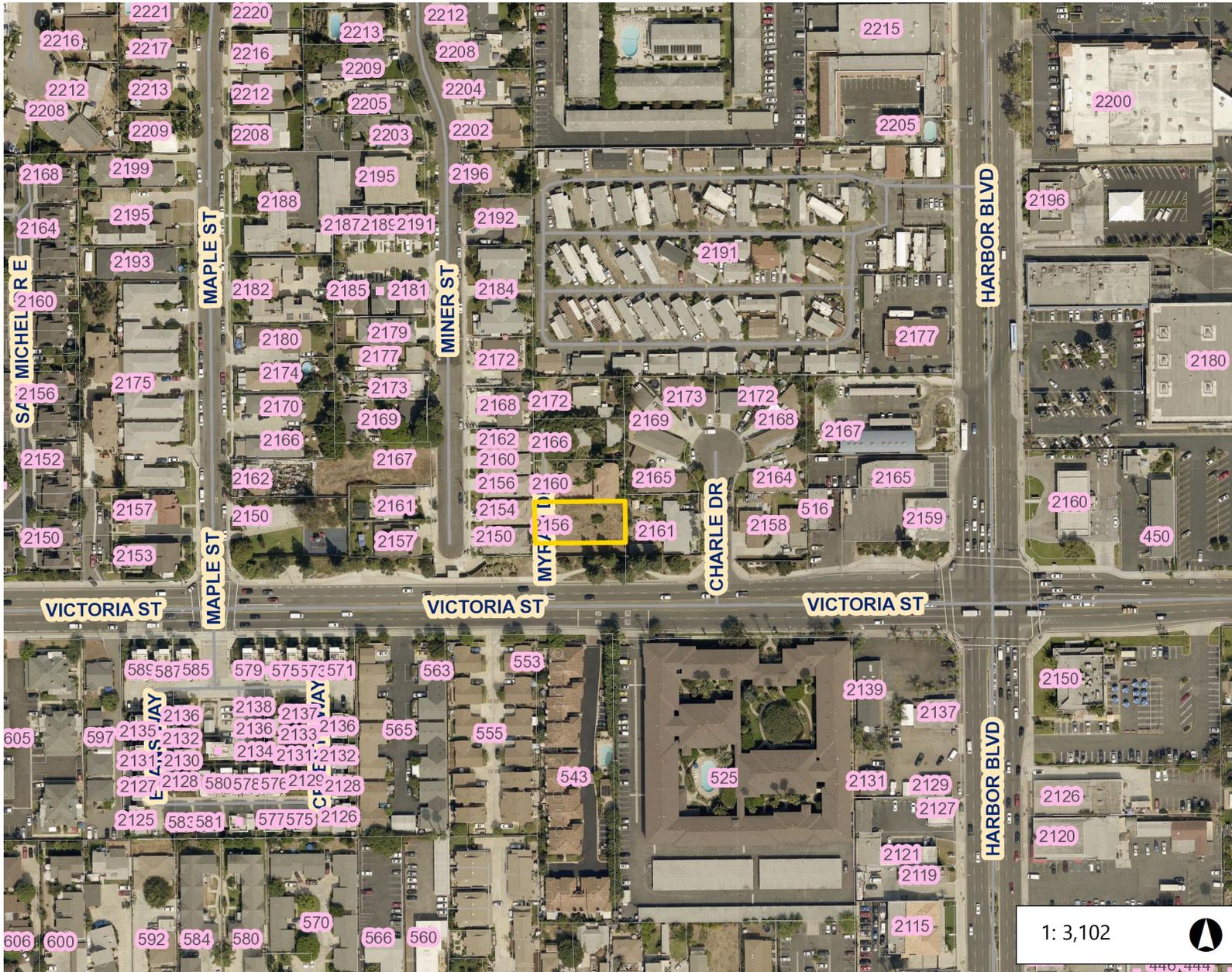
VICTORIA STREET



- AREA OF EASEMENT
VACATION.



SHEET 2 OF 2



Legend

 Costa Mesa

1: 3,102



0.1 0 0.05 0.1 Miles

WGS_1984_Web_Mercator_Auxiliary_Sphere
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The City of Costa Mesa makes no guarantee as to the accuracy of any of the information provided and assumes no liability for any errors, omissions, or inaccuracies.

Notes