

UNOFFICIAL UNTIL APPROVED

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

August 12, 2024

CALL TO ORDER

The Chair called the meeting to order at 6:02 p.m.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair Ereth led the Pledge of Allegiance.

ROLL CALL

Present: Chair Adam Ereth, Vice Chair Russell Toler, Commissioner Angely Andrade, Commissioner Karen Klepack, Commissioner David Martinez, Commissioner Jonny Rojas, Commissioner Jon Zich

Absent: None

Officials Present: Assistant Director of Development Services Scott Drapkin, Planning and Sustainable Development Manager Bill Rodrigues, Assistant City Attorney Tarquin Preziosi, Assistant Planner Gabriel Villalobos, City Engineer Seung Yang, Police Chief Ron Lawrence, Professional Standards Bureau Lt. Carlos Diaz, and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

None.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Marinez informed the public of the upcoming Fair Housing Foundation workshop on August 16, 2024. He reminded the community of the Fair View Developmental Center survey ending soon and encouraged the community to participate in the survey.

Commissioner Zich welcomed Police Chief Lawrence to the meeting.

Commissioner Andrade thanked the City on their work organizing all the summer activities and looked forward to continuing our partnership with the Newport Mesa School District.

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Vice Chair Toler thanked the Public Works Department for their work adding a bike lane to Santa Ana Avenue.

CONSENT CALENDAR:

No member of the public nor Commissioner requested to pull a Consent Calendar item.

1. APPROVAL OF MEETING MINUTES: JULY 22, 2024

MOVED/SECOND: Toler/Martinez

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

The motion carried by the following roll call vote:

Ayes: Ereth, Toler, Andrade, Klepack, Rojas, Martinez, Zich

Nays: None

Absent: None

Abstained: None

Motion carried: 7-0

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

PUBLIC HEARINGS:**1. MINOR CONDITIONAL USE PERMIT (ZA-22-35) TO CONSIDER MODIFICATION OF CONDITIONS FOR “ARENA OC” AND TO MAKE A FINDING OF PUBLIC CONVENIENCE OR NECESSITY FOR A NEW TYPE 90 “MUSIC VENUE” ABC LICENSE AT 2968 RANDOLPH AVENUE**

Project Description: Minor Conditional Use Permit to consider modifying entitlements for Arena OC (formerly “Commissary Lounge”) including removing the prohibition on dancing for a business that has live entertainment and allows for the sale and on-site consumption of alcoholic beverages after 11:00 p.m., to consider modifying the business’s hours of operation, and to consider a Finding of Public Convenience or Necessity pursuant to City Council Policy 500-8 for the conversion of an existing Type 48 “On-Sale General – Public Premises” Alcoholic Beverage Control (“ABC”) license to a Type 90 “Music Venue” ABC license.

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

One ex-parte communication reported:

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Chair Ereth spoke to staff, the applicant's representative and reached out to one of the public commenters.

Gabriel Villalobos, Assistant Planner, presented the staff report.

The Commission asked questions of staff including discussion of security protocols, marketing and advertising strategies, whether food will be served onsite, demolition of the unpermitted storage structure on the site, compliance with F.A.R. (Floor Area Ratio) requirements, the removal of the picnic benches on the adjacent site, identifying the specific conditions of approval that address concerns expressed by the Police Department in their comment letter, issuing wristbands for those under 21, and adhering to SoBeca Plan land uses. Comparison with other city applications operating under a Type 90 license if any, operation of Pacific Point Church in site area, bus transit operational hours near the site, reasons for applying AB2097 to this application, parking onsite and parking availability, promotion of ridesharing, if the parking area is properly illuminated, smoking restrictions on site, noise levels, particularly low base noise levels, potential noise complaints, and adherence to the city's Noise Ordinance, reasons for the 18-and-over requirement if the Type 90 license does not have an age requirement, reasons staff is recommending Thursday-Sunday, if A.B.C. license could be made available for sale with requirement for Planning Commission Review, whether the applicant could sell the Type 90 license, number of required parking spaces, Police Department's approval of the security manual, procedures if narcotics are found on-site, license types for other similar 18+ establishments, concerns mentioned in the Police Department's memo regarding physical altercations after closing, Types of police service calls and whether any were related to noise coming from the establishment, the number of calls for service at other 18 and over establishment in the city, possibility of limiting 18 and over nights to one night a week and prohibiting 18 and over entry on certain holidays, possibility of a 6-month and 12-month review of the establishment's operations, key concerns for the Police Department after closing hours and how the applicant can enhance security to reduce disturbances to neighbors, conditions carried over from the previous approvals, reasons why this establishment was not previously allowed to operate on Sundays or holidays, and the parking lot usage capacity and demand.

The Chair called for a break at 7:07 p.m.

The Chair Called the meeting back to order at 7:17 p.m.

The Chair opened the Public Hearing.

Mike Ayaz, applicant's representative, stated he had read and agreed to the conditions of approval.

The Commission asked questions of the applicant including discussion of the original condition prohibiting dancing during live music, the locations of different

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security guards onsite, the applicants reasons for seeking a Type 90 license, including changing hours, allowing dancing, and admitting 18 and over into the venue, hours alcohol will be served, drink options for patrons aged 18 to 20, Whether prior service call logs for this event venue indicated noise complaints, Possibility of transferring or selling the Type 90 license, measures the applicant's security will take to clear the site area after hours to minimize disturbances, the applicant's willingness to work with neighbors to hire a security service for controlling parking in the area, consideration for adding a mural, reason for including arm wrestling as unacceptable behavior in the security memo. The applicant asked for the removal of Condition of Approval 12, removal of the last sentence of Condition of Approval 13, specifying that events held on July 4th, New Year's Eve, and Halloween will be limited only to persons age 21 and older, the applicant stated they were willing to limit 18-and-over events to Thursdays only, with the option to apply for a special event permit for other dates if a special event does not fall on a Thursday. Staff clarified that 6-month and 12-month reviews of the establishment's operations will be scheduled on the Planning Commission's agenda.

The Chair opened public comments.

Flo Martin spoke in opposition of the item.

Janean Hops spoke in opposition of the item.

Anny Bishop spoke in support of the item.

The Chair closed public comments.

Chair Ereth asked the applicant about the sound insulation of the building.

Commissioner Martinez asked that in the follow-up review if the Planning Commission would be able to revise conditions.

Vice Chair Toler asked for clarification on if minors will be allowed on the holiday events.

The Chair closed the Public Hearing.

The Commission agreed that dancing can be allowed onsite, the venue can be opened at 8:00 p.m., the business will admit only 21 and older patrons only on July 4th, New Year's Eve, and Halloween. The Commission agreed to a 6th month and 12th month review and allowing the venue to be open on Sundays. The majority of the Commission agreed to allowing 18 – 20-year-olds admission to the establishment one day a week on a Thursday.

Chair Ereth re-opened the public hearing.

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The Commission agreed to the following: dancing will be permitted onsite, the venue can open at 8:00 p.m., the venue will admit only 21-year old and older patrons on July 4th, New Year's Eve, and Halloween, the venue will also be allowed to open on Sundays, and the use will return to the Planning Commission for a review at 6 and 12 months following the approval's effective date. Additionally, the majority of the Commission agreed to permit 18 to 20-year-olds to enter the venue one day a week, specifically on Thursdays.

Closed the public hearing.

The Commission agreed to remove the requirement for parking to remain on-site from Condition of Approval number 12 and to delete the final sentence of Condition of Approval number 13.

Chair Ereth made a motion to approve the project with several modifications and additions to recommended conditions of approval. Seconded by Commissioner Rojas.

Conditions of Approval to be modified:

COA 1: "No dancing" removed.

COA 12: "...shall occur onsite and..." removed.

COA 13: Remove the last sentence in this condition starting at "The required parking spaces..."

COA 20: Modify business hours of operation to open at 8:00 p.m. and to also be open on Sundays.

COA 28: Require Planning Commission review of the use at 6 month and 12 month intervals from the effective date of the project's approval.

COA 37: Planning Commission added a condition allowing 18 years of age and over patrons into the venue only on Thursdays except if a Special Event is held pursuant to a lawfully issued Special Event Permit from the City of Costa Mesa on a Thursday in which case an alternate business day that week can be selected; and certain holidays excluding Halloween, New Year's Eve, and Fourth of July.

Chair Ereth spoke in favor of the motion. Commissioner Rojas also spoke in support.

Commissioner Martinez asked a clarifying question and then stated his support for the motion.

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Vice Chair Toler and Commissioner Zich stated they were not in support of the motion and voiced their concerns on allowing those not of drinking age into the proposed venue.

Commissioner Klepack expressed her support for the motion.

Commissioner Andrade stated her support for the motion.

Chair Ereth made a statement in response to commentary by colleagues on the Commission.

MOVED/SECOND: Ereth/Rojas

MOTION: Approve staff's recommendation with modifications noted above.

The motion carried by the following roll call vote:

Ayes: Ereth, Andrade, Rojas, Klepack, Martinez

Nays: Toler, Zich

Absent: None

Recused: None

Motion carried: 5-2

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;
2. Approve Minor Conditional Use Permit (ZA-22-35) based on findings of fact and subject to conditions of approval as modified; and
3. Make a determination in support of a Finding of Public Convenience or Necessity for a New Type 90 "Music Venue" ABC License.

RESOLUTION PC-2024-19 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION ZA-22-35 FOR A MINOR CONDITIONAL USE PERMIT TO AMEND EXISTING CONDITIONS OF APPROVAL AND REPLACE AN EXISTING TYPE 48 ABC LICENSE WITH A TYPE 90 "MUSIC VENUE" LICENSE IN THE MG ZONE FOR THE PROPERTY LOCATED AT 2968 RANDOLPH AVENUE

The Chair explained the appeal process.

OLD BUSINESS:

None.

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NEW BUSINESS:

None.

DEPARTMENTAL REPORTS:

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

CITY ATTORNEY’S OFFICE REPORT:

1. City Attorney – None.

ADJOURNMENT AT 8:40 PM

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION