

UNOFFICIAL UNTIL APPROVED

**MEETING MINUTES OF THE CITY OF  
COSTA MESA PLANNING COMMISSION****September 12, 2022****CALL TO ORDER**

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

**PLEDGE OF ALLEGIANCE TO THE FLAG**

Commissioner Ereth led the Pledge of Allegiance.

**ROLL CALL**

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

Absent: None

Officials Present: Director of Economic and Development Services Jennifer Le, City Attorney Kim Barlow, Associate Planner Justin Arios, Senior Planner Nancy Huynh, City Engineer Seung Yang, Senior Engineer Noel Casil, and Recording Secretary Anna Partida

**ANNOUNCEMENTS AND PRESENTATIONS:**

None.

**PUBLIC COMMENTS:**

Carrie Mazera, Executive Director of Renascence School International (RSI), invited Commissioners and the public to attend the information sessions being held this week at their proposed location at 1600 Adams Avenue.

Jay Humphrey, Costa Mesa resident, spoke on the upcoming ballot Measure "K".

Costa Mesa resident, spoke on the noise coming from the gym located at 140 17<sup>th</sup> Street in violation of their CUP.

Chair de Arakal questioned whether staff has followed up to the resident's complaint regarding the gym at 140 17<sup>th</sup> Street. Director of Economic and Development Services, Jennifer Le, confirmed that City staff and Police have visited the site and the residents address on numerous occasions and have not been able to gather evidence of any

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violation of the noise ordinance, but will continue to work with the resident and business owner.

**COMMISSIONER COMMENTS AND SUGGESTIONS:**

Commissioner Ereth noted the Costa Mesa Sanitary District is hosting a clean-up in the Back Bay this Saturday from 9am to noon. He invited the public to attend.

Commissioner Vivar thanked the Costa Mesa Alliance for Better Streets for handing out free bike lights and reminded everyone to keep the 9/11 families and survivors in their thoughts and prayers.

Commissioner Russell invited the public to attend Art Venture this weekend at the Samueli Theatre.

Commissioner Toler provided a short presentation on the benefits of affordable housing and how the City can grow well.

Vice Chair Zich noted his concern on the gym noise brought by the previous public speaker and asked staff to continue to follow-up on this issue. He also requested status on the HCD certification of the City's Housing Element and what sticking points, if any, are standing in the way of the certification. Vice Chair Zich also thanked the Fire Department for all their hard work and outreach to the community.

Chair de Arakal asked Director Le to provide a short update on the City's Housing Element. Director Le noted City Council adopted the Housing Element in February and the draft was submitted to the State for certification. The State reviewed and sent a comment letter back to the City in April. Staff has been working on the reply with the State since that time. She will give a more detailed update at the next meeting.

Chair de Arakal asked staff to request through the Mayor and City Manager's office, that a joint study session be scheduled between City Council and Planning Commission on an Inclusionary Housing Ordinance. He requested this be scheduled before year end.

**CONSENT CALENDAR:**

None.

**PUBLIC HEARINGS:**

- 1. PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING AND OUTDOOR SEATING FOR AN EXISTING RESTAURANT (TRENTA PIZZA & CUCINA) LOCATED AT 1661 SUPERIOR AVENUE, SUITE C & D AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A**

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**MINOR CONDITIONAL USE PERMIT TO MODIFY PREVIOUSLY APPROVED CONDITIONS OF APPROVAL FOR RESTAURANT OPERATIONS**

**Project Description:** Planning Application 21-07 is a request for a Conditional Use Permit to allow off-site valet parking at 1645 Superior Avenue for the use of the property at 1661 Superior Avenue and a request to permanently allow outdoor seating for the restaurant in the same size now permitted pursuant to an approved Temporary Use Permit. The applicant is also requesting approval of Zoning Application ZA-19-50 (ZA-17-16 A1) to amend the restaurant's previously approved Minor Conditional Use Permit to modify its conditions of approval.

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

One ex-parte communication reported:

Commissioner Ereth noted he spoke with the applicant, Marco Palazzo.

Justin Arios, Associate Planner presented the staff report.

**Commission and Staff:**

Discussion ensued regarding hours of operation for this business, other tenants at the building, and off-site valet parking used at other similar uses.

Vice Chair Zich requested clarification on the temporary use permit that will expire at the end of the year, and if these temporary uses would be extended by City Council. Director Le noted that City Council has requested Planning staff bring before them a permanent ordinance that would allow for continued outdoor dining.

Discussion ensued regarding design guidelines for patio areas of restaurants, and shade and canopy structure use. There was also discussion on the number of parking spaces provided on site.

**The Chair opened public hearing.**

Marco Palazzo, applicant, stated he read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

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

Commissioner Ereth asked for clarification on whether the proposed City Council ordinance for outdoor dining would retroactively change this CUP. Director Le noted

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the new ordinance would be a stand-alone ordinance that theoretically would address this issue.

City Attorney, Kim Barlow, noted she did not anticipate that an ordinance would change the terms and conditions of an existing CUP, since it runs with the land.

Discussion ensued regarding the outdoor seating area, vehicular traffic circulation; the number of patrons who walk to the business; and clarification of lunch operation hours.

Commissioner Vivar asked the applicant whether the restaurant would continue to use the empty barrels and planters to protect patrons from vehicle traffic in the outdoor seating area.

Mr. Palazzo affirmed they will stay in place.

The Chair opened Public Comments.

**PUBLIC COMMENT:**

Zac Munt, Costa Mesa resident, spoke in support of this application and how much his family enjoys eating at the restaurant.

Chris Riley, Costa Mesa resident, spoke against the application and did not agree with the parking space count and the presentation.

Ryan Hensko, Costa Mesa resident, lives behind the property and asked that the valet parking be utilized only in the front half of the property. He is concerned about noise in the evenings.

Jen Tanaka, Costa Mesa resident, spoke in support of this application.

Tommy Stevenson, Costa Mesa resident, spoke in favor of the application.

The Chair closed Public Comments.

Chair de Arakal asked the applicant to offer responses to public comments.

Mr. Palazzo addressed the noise issues brought forward during public comments and parking issues during lunch.

Discussion ensued regarding sufficient parking for the restaurant during their operating hours under the existing MCUP and plans to mitigate any parking short falls.

Discussion ensued on the restaurants current CUP, this request to modify the operating hours, and whether the planters that surround the patio are a sufficient safety barrier from vehicles.

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Chair de Arakal asked the applicant whether only using a portion of the outdoor patio would be sufficient for lunch service in order to satisfy the parking requirements under the current CUP. The applicant affirmed.

The Chair closed the Public Hearing.

Vice Chair Zich made a motion which could not move forward for a lack of a second.

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

Commissioner Ereth supported the motion.

Commissioner Toler supported the motion and provided comments.

Commissioner Vivar supported the motion and provided comments.

Commissioner Russell supported the motion and provided comments.

Vice Chair Zich will not support motion and provided comments.

Chair de Arakal spoke on the item.

**MOVED/SECOND:** de Arakal/Rojas

**MOTION:** Move staff's recommendation with modified conditions of approval.

The motion carried by the following roll call vote:

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

Nays: Zich

Absent: None

Recused: None

Motion carried: 6-1

**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
2. Approve Planning Application 21-07 and Zoning Application 19-50 (ZA 17-16 A1), subject to conditions of approval with modified conditions of approval below.

**MODIFIED CONDITIONS:**

**Condition of Approval No. 14 to read:** The restaurant hours of operation (including 250-square-foot and 842-square-foot outdoor seating areas as delineated on the site plan) shall be limited to Sunday through Thursday, 5 PM to 9 PM and Friday and Saturday, 5 PM to 10 PM. The restaurant hours of operation shall also include weekend lunchtime hours (11:30 AM to 2:30 PM); however, during this time, outdoor seating shall be limited to the 250-square-foot outdoor seating area as delineated on

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the site plan.

The restaurant may also be open weekdays during lunchtime hours 11:30 AM to 2:30 PM with the applicant submittal of a Parking Management Plan (PMP), approved by the Director of Development Services. During this time, outdoor seating shall be limited to only the 250-square-foot outdoor seating area as delineated on the site plan and shall include the 842-square-foot outdoor patio area.

**Conditional of Approval No. 15 to read:** When not in operation, the outdoor seating area shall be removed to provide for sufficient parking for the other onsite tenants, pursuant to the CMMC.

**Conditional of Approval No. 16 to read:** Valet attendants when entering or leaving the offsite parking location shall not “rev” engines and shall turn-off vehicles as soon as parked. Vehicle radios shall remain off at all times when on the offsite parking property. Valet attendants will also keep their voices low in respect to the adjacent residential properties.

**RESOLUTION PC-2022-21 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-07 FOR A CONDITIONAL USE PERMIT TO ALLOW OFF-SITE VALET PARKING AND TO PERMANENTLY ALLOW OUTDOOR SEATING FOR THE EXISTING RESTAURANT (TRENTA PIZZA & CUCINA) AND ZONING APPLICATION 19-50 (ZA-17-16 A1) FOR A MINOR CONDITIONAL USE PERMIT TO AMEND THE PREVIOUS APPROVAL FOR THE RESTAURANT (ZA-17-16) IN THE MG ZONE FOR PROPERTY AT 1661 SUPERIOR AVENUE, SUITE C & D.**

The Chair explained the appeal process.

The commission took a break at 7:58 PM.

The commission reconvened at 8:08 PM.

## **2. PLANNING APPLICATION 21-23 FOR A RETAIL CANNABIS STOREFRONT BUSINESS LOCATED AT 1687 ORANGE AVENUE (KING’S CREW)**

**Project Description:** Planning Application 21-07 is a request for a Conditional Use Permit to operate a storefront retail cannabis business within an existing 2,778-square-foot commercial building located at 1687 Orange Avenue. The business would sell pre-packaged cannabis and pre-packaged cannabis products directly to customers onsite, subject to conditions of approval.

**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.

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Two ex-parte communications reported:

Commissioner Vivar spoke with current business owner.

Commissioner Russell spoke with two employees of current business.

Nancy Huynh, Senior Planner presented the staff report.

**Commission and Staff:**

Commissioner Rojas requested and received clarification on parking requirements.

Commissioner Ereth noted the new driveway and sidewalk addition.

Discussion ensued regarding sidewalk improvements, light pole removal, and the parking attendant on site requirement.

Commissioner Vivar asked whether the additional off-site parking spaces are a requirement for approval of the project.

Discussion ensued regarding legal non-conforming parking for the site, the addition of the off-site parking requirement, and the proposed placement of a 15-gallon tree in front of the business.

Discussion ensued regarding the trip generation fee, which ITE land use code was used to give the proposed business existing ADT credit, and the proposed driveway aisle width for the business.

Chair de Arakal requested clarification and commented on the ITE code.

Vice Chair Zich commented on and also requested further clarification from Senior Engineer, Noel Casil, on the ADT credit and ITE code. He asked that this information be provided to the Commission at the next meeting.

Discussion ensued on the parking requirements for a cannabis establishment and the trip fees that were calculated for this application; the sites existing floor area ratio (FAR) and what the maximum FAR is under the Code.

Chair de Arakal commented on the conditions of approval (COA) modification to Building Permit COA No. 13, and communication to the Orange County Health Care Agency in lieu of the environmental site assessment (ESA) submittal.

**The Chair opened public hearing.**

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Ms. Lori Holcomb Thompson, Owner and CEO of Gold Flora, stated she read and agreed to the conditions of approval.

**Commission, Applicant and Staff:**

Ms. Thompson and Chief Operating Officer Greg Gamet thanked staff and provided an overview of the application.

Commissioner Ereth stated for the public record that he became Director of Someone Cares Soup Kitchen after the pandemic. The applicant had shown a picture of the non-profit in their presentation, but clarified it was taken prior to the pandemic.

Discussion ensued regarding the off-site parking agreement and the permanent parking attendant training.

Commissioner Vivar had questions regarding the community outreach and the choice for this location, which applicant answered.

Discussion ensued regarding the possible gas meter relocation, the 24-hour guard on site and clearance for the 18-foot-wide driveway approach.

Vice Chair Zich requested clarification of the lease agreement from the applicant, which applicant answered.

The Chair opened Public Comments.

**PUBLIC COMMENT:**

Vicky Lund, Costa Mesa resident, spoke in opposition to the business and the impact it would have to the surrounding residential neighborhood.

Earl Lund, Costa Mesa resident, spoke in opposition to the business and the location.

Brian Kolesky, Costa Mesa resident, spoke in favor of the business and ownership of the business.

Costa Mesa resident, spoke in favor of the business.

Vanna Delgado, Costa Mesa resident, spoke in favor of the business.

The Chair closed Public Comments.

Per the Chairs request, Mr. Casil clarified the ADT and ITE code for a dry-cleaning business versus a pharmacy and how the traffic impact fee was calculated.

Commissioner Vivar clarified with Mr. Casil on the land use codes for the business.



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The Chair closed the public hearing.

Commissioner Vivar made a motion, died for a lack of a second.

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

Chair de Arakal spoke on the motion and his added condition of approvals.

Commissioner Toler spoke in favor of the motion.

Commissioner Russell spoke on the motion, and losing a 50-year business by approving this application.

Commissioner Ereth spoke on the motion and discussion ensued regarding the language for COA numbers 19 and 13. He emphasized the need to continually improve their approach on ADT numbers for these types of projects and that the funds are used for improving the roadways for bikes and pedestrians.

Commissioner Vivar appreciated staffs work on the project and offered comments on the ADT for the project. He thought in this case the numbers that were used to calculate the existing ADT were insufficient for this project. He also noted that Land Use Element 6.7 encourages new, while retaining existing businesses in the City; and in this case we are not. He noted he will not support the motion.

Vice Chair Zich commented on the motion and the displacement of a long-standing business. He noted his support of the motion.

**MOVED/SECOND:** de Arakal/Rojas

**MOTION:** Move staff's recommendation with added condition of approvals and modification to the language in Condition of Approval No. 13.

The motion carried by the following roll call vote:

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

Nays: Russell, Vivar

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) Section 15301 (Class 1), Existing Facilities; and
2. Approve Planning Application 21-23, subject to conditions of approval with added and modified conditions.

**ADDED CONDITIONS:**

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**Condition of Approval (Building Permit) No. 14 to read:** A direct pedestrian connection from the offsite parking spaces (as identified on the CUP site plan) to the licensed premise shall be provided and shown on the final construction drawings.

**Condition of Approval (Operational Conditions) No. 23 to read:** After six-months of business operations, the Planning Commission shall review the CUP, specifically in regard to parking and circulation. Planning Division staff shall provide a verbal report the Planning Commission regarding the status of the business' parking and circulation management. If necessary, the Planning Commission may impose additional conditions of approval or modify existing ones to ensure the parking and circulation are managed efficiently.

#### **MODIFIED CONDITIONS:**

**Condition of Approval (Building Permit) No. 13 to read:** The applicant shall contact the Orange County Health Care Agency and implement any actions necessary to comply with State and local laws and regulations pertaining to hazardous material, if applicable to the proposed tenant improvement. The applicant shall submit documentation confirming communications with the Orange County Health Care Agency and include any proposed actions (if required) as part of the building plan submittal in conformance with this condition.

**Condition of Approval (Operational Conditions) No. 21 to read:** Should the offsite parking provided at 171-187 East 17th Street be terminated, the applicant must notify the Director of Economic and Development Services in writing 30 days prior to termination and shall secure other equivalent offsite parking to address parking shortages, subject to review and approval by the Economic and Development Services Director or designee.

#### **RESOLUTION PC-2022-22 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 21-23 FOR A STOREFRONT RETAIL CANNABIS BUSINESS (KING'S CREW) IN THE C1 ZONE AT 1687 ORANGE AVENUE**

The Chair explained the appeal process.

#### **DEPARTMENTAL REPORT(S)**

1. Public Services Report – Mr. Yang noted the ribbon cutting this morning at Jordan Park for the new playground.
2. Development Services Report – None.

#### **CITY ATTORNEY'S OFFICE REPORT(S)**

1. City Attorney – None.

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**ADJOURNMENT AT 10:00 P.M.**

Submitted by:

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SCOTT DRAPKIN, SECRETARY  
COSTA MESA PLANNING COMMISSION