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**MEETING MINUTES OF THE CITY OF
COSTA MESA PLANNING COMMISSION****October 10, 2022****CALL TO ORDER**

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

PLEDGE OF ALLEGIANCE TO THE FLAG

Commissioner Toler led the Pledge of Allegiance.

ROLL CALL

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

Absent: Chair Byron de Arakal, Commissioner Johnny Rojas

Officials Present: Assistant Development Services Director Scott Drapkin, Assistant City Attorney Tarquin Preziosi, Assistant Planner Jeffrey Rimando, City Engineer Seung Yang and Recording Secretary Anna Partida

ANNOUNCEMENTS AND PRESENTATIONS:

None.

PUBLIC COMMENTS:

Costa Mesa resident, spoke on noise complaints for the gym located at 140 17th Street.

Jay Humphrey, Costa Mesa resident, spoke on his concerns regarding ballot Measure K.

Costa Mesa resident, spoke on her concerns regarding ballot Measure K.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Ereth thanked the public for attending tonight's Planning Commission meeting and reminded the public the "Scarecrow Festival" is taking place Saturday at Lions park.

Commissioner Vivar also thanked the public for attending the Planning Commission meeting and asked staff to follow up on the earlier speakers concern of the noise at 140 17th Street. He thanked the City for the great job on the walk to school events held at several locations this past week.

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Commissioner Russell encouraged the public to visit the new Orange County Museum of Art and the new art exhibit at the Costa Mesa Senior Center.

Commissioner Toler thanked staff and police department for the walk to school event and encouraged the public to attend the Scarecrow festival this weekend.

Vice Chair Zich thanked City Engineer Seung Yang and transportation staff for addressing his concerns on Placentia Avenue.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS:**1. PLANNING APPLICATION 22-20 AND TENTATIVE PARCEL MAP 2022-140 FOR A FOUR-UNIT RESIDENTIAL SMALL LOT SUBDIVISION DEVELOPMENT AT 549 BERNARD STREET**

Project Description: Planning Application 22-20 and Tentative Parcel Map 2022-140 is a request for a residential small lot subdivision. The project includes a subdivision of an existing 12,003-square-foot parcel into four approximately 3,000-square-foot parcels. The project includes the demolition of the existing two residential units and detached garage and the construction of four new-detached single-family dwelling units with attached two-car garages. In addition, the project proposes site improvements including hardscape and landscape throughout.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15315 (Class 15), Minor Land Divisions, and Section 15332 (Class 32), In-Fill Development Projects.

No ex-parte communications.

Assistant Development Services Director Scott Drapkin, explained during the final review process for this project, circulation issues were discovered. Staff met with the applicant and discussed continuing the item to a later date to resolve the circulation and code requirements. Staff is recommending that this item be continued to the November 14, 2022 Planning Commission meeting.

The Vice Chair opened public hearing.

The Vice Chair opened Public Comments.

PUBLIC COMMENT:

None.

The Vice Chair closed the public hearing.

Commissioner Russell made a motion. Seconded by Vice Chair Zich.

MOVED/SECOND: Russell/Zich

MOTION: Move staff's recommendation to continue this item to the November 14, 2022 Planning Commission meeting.

The motion carried by the following roll call vote:

Ayes: Zich, Ereth, Russell, Toler, Vivar

Nays: None

Absent: de Arakal, Rojas

Recused: None

Motion carried: 5-0

ACTION: The Planning Commission moved to continue the public hearing to the November 14, 2022 Planning Commission meeting.

The Vice Chair explained the appeal process.

2. PLANNING APPLICATION 22-09 FOR A CONDITIONAL USE PERMIT TO OPERATE AN ADULT DAY CARE FACILITY IN THE PLANNED DEVELOPMENT COMMERCIAL (PDC) ZONE AT 1901 NEWPORT BOULEVARD

Project Description: Planning Application 22-09 is a request for a Conditional Use Permit to allow the establishment of an adult day care within the Planned Development Commercial (PDC) zone. The project proposes tenant improvements for suites 156, 176, 179, 180 and 190 (12,069 square-feet) with no exterior alterations or floor area additions to an existing building. The proposed hours of operation are 6 AM to 6 PM for staff, and 8 AM to 2 PM for clients, seven days a week.

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 to report:

Commissioner Ereth had a phone call with the applicant's agent.

Assistant Development Services Director Scott Drapkin, presented the staff report.

Commission and Staff:

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Commissioner Vivar asked how large the proposed recreational area will be and if it will be indoor only.

Mr. Drapkin noted the area would be housed indoors and will let the applicant respond to the question on the square footage during the public hearing.

The Vice Chair opened Public Hearing.

Lewis Gomez, authorized agent, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. Lewis thanked staff and provided an overview of the application.

Commissioner Ereth noted his support and appreciation for this type of business in the City.

Commissioner Vivar asked the applicant on his planned recreation area at the site.

Mr. David Kim, architect for the project, noted there would be many mixtures of activities for the seniors at the site.

Discussion ensued regarding patient to staff ratio at the site.

Commissioner Russell had questions regarding the local providers for food mentioned in the presentation, which the applicant noted would vary as to the preferences of the attendees in the program.

Discussion ensued regarding the demographic and residences of the participants in the program.

Vice Chair Zich had questions on the personal care and intervention item listed in the staff report, which the applicant clarified was for education and monitoring of the participants only.

Discussion ensued regarding handicap accessible restroom construction, for profit business status, and how their services are funded.

The Vice Chair opened Public comments.**PUBLIC COMMENT:**

Speaker 1, spoke in favor of the application and asked for a breakdown of the staffing for the facility. She also favored having extended hours to accommodate families who work.

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Ms. Kay Lee, La Palma Adult Day Health Care, responded to Speaker 1 and explained staffing ratio per State regulations and extending hours in the future, if needed.

Commissioner Vivar asked about their outreach to hire local, which Ms. Lee explained their process to hire within the local community.

Commissioner Russell had questions on the frequency of participants visiting the facility, which was answered.

The Vice Chair closed the public hearing.

Commissioner Ereth made a motion, seconded by Commissioner Russell.

Commissioner Ereth spoke on his approval of the applicant.

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

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

MOVED/SECOND: Ereth/Russell

MOTION: Move staff's recommendation.

The motion carried by the following roll call vote:

Ayes: Zich, Ereth, Russell, Toler, Vivar

Nays: None

Absent: de Arakal, Rojas

Recused: None

Motion carried: 5-0

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 22-09, subject to conditions of approval.

RESOLUTION PC-2022-26 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-09 FOR A CONDITIONAL USE PERMIT TO ALLOW THE ESTABLISHMENT OF AN ADULT DAY CARE (LA PALMA ADULT DAY HEALTH CARE) IN THE PDC (PLANNED DEVELOPMENT COMMERCIAL) ZONE LOCATED AT 1901 NEWPORT BOULEVARD, SUITE 156, 176, 170, 180 AND 190

The Chair explained the appeal process.

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3. **PLANNING APPLICATION 22-26 FOR A CONDITIONAL USE PERMIT TO OPERATE AN INDOOR AXE THROWING FACILITY WITH SALE OF ALCOHOLIC BEVERAGES AT 1941 NEWPORT BOULEVARD**

Project Description: Planning Application 22-26 is a request for a Conditional Use Permit to operate an indoor ax-throwing facility within a 5,951 square-foot tenant space with sale of alcoholic beverages for on-site consumption at 1941 Newport Boulevard, 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.

Three ex-parte communications to report:

Commissioner Russell spoke with several neighbors who live behind the property.

Commissioner Ereth also spoke with several neighbors who live behind the property.

Vice Chair Zich reported several internet searches he made regarding similar businesses.

Assistant Development Services Director, Scott Drapkin introduced new Assistant Planner Jeffrey Rimando to the Planning Commission.

Assistant Planner Jeffrey Rimando, presented the staff report.

Commission and Staff:

Commissioner Toler asked whether there was sufficient parking to accommodate a new tenant for the empty suite next to the business.

Mr. Rimando noted the parking study which showed sufficient parking for both.

Discussion ensued regarding signage for the business.

Commissioner Russell noted concerns from neighbors on the light spillage from the parking area into homes. Staff noted a condition of approval that all exterior lighting shall be directed away from residential areas.

Commissioner Vivar requested clarification on the landscaping for the back of the site, which staff noted only a six-foot block wall is there with no landscaping proposed at the back property line.

Discussion ensued regarding noise concerns, measuring noise in residential neighborhoods and the City's noise ordinance.

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Commissioner Ereth asked whether a light study is required for this application. Staff noted this is not a requirement, however it can be added as an additional condition of approval.

Discussion ensued regarding the previous tenants operating hours, parking demand characteristics and alcohol sales for patrons with reservations only at the site.

Discussion ensued regarding operational and security measures to be taken by the applicant to comply with the condition to allow the quiet enjoyment of the surrounding neighborhood.

Vice Chair Zich asked the City Attorney whether he had reviewed the applicant's waiver for minors.

Assistant City Attorney Tarquin Preziosi noted he did not review or see the waiver and it would not be appropriate for the City to give legal advice to the applicant.

Discussion ensued regarding the City's responsibility, if any, for any consequences for the business operations at the location should the application be approved.

Vice Chair Zich had questions regarding the age limits for people entering the facility.

Mr. Drapkin clarified there is no age limit to enter the facility.

Discussion ensued regarding signed waivers for everyone who participates at the facility and if the City can condition that as a requirement.

Vice Chair Zich requested clarification on the customer service hours restriction listed as a condition, which Mr. Drapkin was able to explain due to how the code is written.

Discussion ensued regarding game session hours, parking, axe throwing lanes and maximum height for the back wall at the site.

Vice Chair Zich asked for information on the restroom that is located outside the building, which Mr. Drapkin noted the applicant can clarify for the Commission.

The Vice Chair opened the Public Hearing:

Mr. Dave See, applicant, stated he read and agreed to the conditions of approval.

Commission, Applicant and Staff:

Mr. See thanked staff and provided a brief overview of the application. He also reviewed and answered earlier questions by the Commission.

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Commissioner Ereth asked whether the applicant had any record of axe related injuries in this line of business or with this company.

Mr. See noted this was the owners first company in the axe throwing business, so they did not have any prior injuries to report nor do they have knowledge of any for other businesses.

Discussion ensued regarding safety measures that will be employed at the business to ensure the safety of the patrons.

Owner Madison, reviewed the safety protocols they will implement at the business.

Commissioner Vivar asked whether the lanes would be separated between targets to ensure the safety of the patrons.

Madison noted a 10-foot-high chain link fence between targets would be installed for safety purposes.

Discussion ensued about music at the site, and waivers needed for patrons under 18 years of age.

Commissioner Russell asked on the type of training for staff at the site, which the owner reviewed.

Discussion ensued on maintenance of the location and keeping it clear of trash and loitering.

Commissioner Toler asked whether the business would need another hearing if they changed the ABC license to type 47 to serve hard liquor.

Mr. Drapkin noted that staff would refer this change of license request to the Planning Commission for a decision.

Vice Chair Zich noted his concern of the restroom that is accessible from the outside and asked the applicant if they would agree to a condition that restricted use to employees only. The applicant agreed to the added condition.

Discussion ensued regarding allowing minors to enter and use the facility with waivers and noise concerns if the empty space adjacent to them is filled.

Vice Chair Zich asked about age restrictions and parents accompanying minors to the facility, which the owner explained.

Commissioner Russell asked how minors can access the waivers for parental consent, which the owner noted can be downloaded from their website or can be digitally signed.

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Discussion ensued on I.D.'s for minors and screening by the owner.

The Vice Chair opened Public Comments.

PUBLIC COMMENT:

Jay Humphrey, Costa Mesa resident, commented on the chain link fencing and his concern that no barrier is behind the axe thrower.

Madison replied to the public comment, that placing a barrier behind the thrower is more of a hindrance.

The Vice Chair closed Public Comments.

The Vice Chair closed the Public Hearing.

Commissioner Vivar asked if garbage truck operational hours were conditioned.

Mr. Drapkin noted trash companies work on a revolving schedule and most do not work late at night or very early in the mornings.

Commissioner Vivar made a motion, seconded by Commissioner Toler.

Commissioner Vivar, Commissioner Toler, Commissioner Russell, Commissioner Ereth spoke in favor of the motion.

Vice Chair Zich spoke in favor of the motion.

MOVED/SECOND: Vivar/Toler

MOTION: Move staff's recommendation with added condition of approval.

The motion carried by the following roll call vote:

Ayes: Zich, Ereth, Russell, Toler, Vivar

Nays: None

Absent: de Arakal, Rojas

Recused: None

Motion carried: 5-0

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 22-26, subject to conditions of approval with added condition.

ADDED CONDITION:

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Condition of approval No. 36 to read: The existing exterior restroom shall be restricted to employees only.

RESOLUTION PC-2022-27 – A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 22-26 FOR AN INDOOR AXE THROWING FACILITY (SLASHERS) WITH SALE OF ALCOHOLIC BEVERAGES UNDER A STATE ALCOHOLIC BEVERAGE CONTROL (ABC) TYPE 40 LICENSE (ON-SALE BEER) AT 1941 NEWPORT BOULEVARD.

The Vice Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Yang notified the public that the City now has a Q alert program that can be found on the City website. The public can use this system to notify the City of any concerns they may have via their smartphone.
2. Development Services Report – None.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – None.

ADJOURNMENT AT 8:29 P.M.

Submitted by:

SCOTT DRAPKIN, SECRETARY
COSTA MESA PLANNING COMMISSION