

**NEWPORT BEACH PLANNING COMMISSION MINUTES
CITY COUNCIL CHAMBERS – 100 CIVIC CENTER DRIVE
THURSDAY, OCTOBER 7, 2021
REGULAR MEETING – 6:30 P.M.**

I. CALL TO ORDER – The meeting was called to order at 6:30 p.m.

II. PLEDGE OF ALLEGIANCE – Commissioner Klaustermeier

III. ROLL CALL

PRESENT: Chair Lee Lowrey, Vice Chair Lauren Kleiman, Secretary Curtis Ellmore, Commissioner Peter Koetting, Commissioner Sarah Klaustermeier, Commissioner Mark Rosene, Commissioner Erik Weigand

ABSENT: None

Staff Present: Community Development Director Seimone Jurjis, Assistant City Attorney Yolanda Summerhill, City Traffic Engineer Tony Brine, Police Civilian Investigator Wendy Joe, Associate Planner David Lee, Associate Planner Chelsea Crager, and Administrative Assistant Clarivel Rodriguez

IV. PUBLIC COMMENTS

None

V. REQUEST FOR CONTINUANCES

None

VI. CONSENT ITEMS

1. MINUTES OF SEPTEMBER 9, 2021

Recommended Action: Approve and file

Motion made by Commissioner Weigand and seconded by Vice Chair Kleiman to approve the minutes of the September 9, 2021 meeting with Mr. Mosher's proposed edits.

AYES: Ellmore, Kleiman, Koetting, Lowrey, Rosene, and Weigand

NOES: None

ABSTAIN: Klaustermeier

ABSENT: None

VII. DISCUSSION ITEMS

2. APPOINTMENT OF COMMISSIONERS FOR THE FORMATION OF ADU AD HOC COMMITTEE FOR ACCESSORY DWELLING UNIT REGULATIONS UPDATE (PA2021-113)

The Chair will appoint two or three Commissioners creating an ad hoc committee to review potential changes to the accessory dwelling unit regulations.

Chair Lowrey reported Vice Chair Kleiman, Commissioner Weigand, and he have expressed interest in serving on the committee and appointed the three Commissioners to the ADU Ad Hoc Committee.

In response to Commissioner Weigand's questions, Community Development Director Seimone Jurjis advised that staff and committee members will meet to discuss the process for meetings and obtaining community and expert input. Because accessory dwelling units (ADU) are an important topic for the community, staff intends to provide a transparent and engaging process. The committee will guide staff through the process.

Motion made by Commissioner Weigand and seconded by Chair Lowrey to receive and file the report.

AYES: Ellmore, Klaustermeier, Kleiman, Koetting, Lowrey, Rosene, and Weigand
NOES: None
RECUSED: None
ABSENT: None

VIII. PUBLIC HEARING ITEM(S)

**3. NEW LOOK SKIN PLANNED COMMUNITY AMENDMENT (PA2021-147)
Site Location: 4241 MacArthur Boulevard**

Summary:

A planned community development plan amendment to the Newport Place Planned Community (PC-11) affecting the referenced site location only to change its land use category from Restaurant Site 1 to General Commercial Site 8. The applicant is proposing to improve and convert the restaurant existing building to a skin care facility (medical office), which would be a permitted use within the proposed Commercial Site 8 category.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2021-028 recommending the City Council approve Planned Community Development Plan Amendment No. PD2021-001.

Chair Lowrey and Secretary Ellmore recused themselves from the item due to Chair Lowrey's membership in the Pacific Club and Secretary Ellmore's company being located near the project site.

Associate Planner David Lee reported the applicant proposes to amend the current designation of restaurant to general commercial. The project site is located between MacArthur Boulevard and Dove Street within the Airport Area. The General Plan designation for the site is mixed-use horizontal housing site, and the site is zoned Newport Place Planned Community (PC 11) Restaurant Site 1. The site contains approximately 30,000 square feet, and the existing use is a vacant restaurant. Restaurant Site 1 was originally composed of three parcels, one of which was the project site. In 2011, an amendment was approved to designate the southern parcel as General Commercial Site 8. If the amendment for the project site is approved, the northern parcel will retain its designation as Restaurant Site 1. The only allowed use in Restaurant Site 1 is restaurants, while allowed uses in General Commercial Site 8 include professional and medical offices, retail, and restaurants. Staff has made findings that a General Commercial Site 8 designation will provide flexibility for future commercial uses, support future housing in the Airport Area, reduce required parking, and reduce traffic. Staff recommends approval of the application.

In reply to Vice Chair Kleiman's questions, Associate Planner Lee indicated that the project site is listed as a housing site in the current and proposed Housing Elements. The proposed Housing Element will include additional housing opportunity sites throughout the Airport Area. Staff does not believe changing the designation will be detrimental to the City's ability to accommodate additional housing. The project site is subject to a housing overlay; therefore, changing the designation will not preclude a housing proposal for the project site in the future. If approved, all housing units listed in Table 1 will count towards the City's Regional Housing Needs Assessment (RHNA) allocation.

Commissioners reported no ex parte communications.

Vice Chair Kleiman opened the public hearing.

Jim Mosher clarified that most of the housing units in Table 1 appear to be proposed rather than constructed. Some of the housing units for Uptown Newport have been constructed and will not count toward the City's RHNA for the next planning cycle.

Vice Chair Kleiman closed the public hearing.

Commissioner Koetting expressed disappointment with not receiving a rendering of a future building on the site. He proposed an additional condition of approval to require reconstruction of the parking lot. In answer to his queries, Associate Planner Lee advised that Covenants, Conditions and Restrictions (CC&Rs) provide shared parking between the three parcels. The site has a surplus of 27 parking spaces.

In response to Commissioner Weigand's inquiry, Community Development Director Jurjis related that the Planning Commission will make a recommendation to the City Council regarding approval of an ordinance. Conditions of approval are not part of the ordinance, but staff will note the parking lot for a condition of approval when an application for a permit is submitted.

In answer to Commissioner Rosene's query, Community Development Director Jurjis explained that the application proposes an adjustment to the zoning to allow a medical office use. If the zoning adjustment is approved, an application for a permit will be subject to a ministerial process.

Vice Chair Kleiman noted that continuation of the existing housing overlay alleviates her concern regarding conversion of the designation.

Motion made by Vice Chair Kleiman and seconded by Commissioner Weigand to approve the staff recommendation.

AYES: Klaustermeier, Kleiman, Koetting, Rosene, and Weigand
NOES: None
RECUSED: Ellmore, Lowrey
ABSENT: None

4. BSP BRISTOL, LLC MEDICAL OFFICES (PA2020-052)
Site Location: 1400 and 1420 North Bristol Street

Summary:

A conditional use permit and traffic study to convert 70 percent of an existing professional office complex to medical office use, which requires a reduction of 27 parking spaces. The remaining 30 percent of floor area will remain as professional office use. The applicant also requests a condominium conversion in conjunction with a tentative parcel map to convert both existing two-story office buildings to condominiums, creating between 22 to 30 ownership units.

Recommended Action:

1. Conduct a public hearing;
2. This project is exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15303 under Class 3 (New Construction or Conversion of Small Structures) of the CEQA Guidelines, because it has no potential to have a significant effect on the environment; and
3. Adopt Resolution No. PC2021-027 approving Condominium Conversion No. CC2020-002, Tentative Parcel Map No. NP2020-003, Conditional Use Permit No. UP2020-185, and Traffic Study No. TS2021-001

Associate Planner Lee summarized the Planning Commission's September 9, 2021 hearing of the application and reported the applicant's current request is 70 percent medical office and 30 percent professional office. The applicant has also removed parking lifts from the project. The code requires one parking space per 200 square feet for medical office uses. Newport Place Planned Community (PC 11) requires one space per 225 square feet for professional office uses, which results in a parking deficit of 17 spaces. The PC 11 standard was adopted in 1970, and staff believes the standard is outdated. The Zoning Code requires one space per 250 square feet for professional office uses. Based on the Zoning Code parking requirement, the project site provides the required 150 spaces. PC 11 allows modification of the parking standard with discretionary approval. The Institute of Transportation Engineers (ITE) recommends a parking requirement of one space per 400 square feet for professional office uses, which would provide a parking surplus of 94 spaces. Staff recommends a parking requirement of one space per 250 square feet for professional office uses. Using parking rates of one space per 250 square feet for professional office and one space per 200 square feet for medical office, the parking requirement for the project is 177 spaces. The applicant requests a parking waiver of 27 spaces as the project site provides 150 spaces. Staff recommends approval of the parking waiver based on RK Engineering's

August 12, 2021 parking study, which collected data from three comparable medical offices in Orange County. Using the parking study's recommended parking rate of one space per 258 square feet for medical office and staff's recommended rate of one space per 250 square feet for professional office, the required parking for the project is 147 spaces. The widths of drive aisles and parking stalls in the existing parking lot are not Code-compliant, and the applicant proposes to widen the aisles and stalls. As discussed in the prior hearing, a condition of approval requires the planting of landscape hedges to impede access between the subject parking lot and neighboring parking lots. The day prior to the hearing, staff provided an updated site plan and vehicle trips. Staff recommends approval of the project.

In response to Commissioner Weigand's inquiries, Associate Planner Lee advised that Conditions of Approval 11, 12, and 13 address landscaping, and Condition of Approval 13 addresses the landscape hedges to impede access between parking lots. Public comment regarding signage is not addressed in conditions of approval.

In reply to Commissioner Rosene's queries, Community Development Director Jurjis indicated staff is conducting a parking study to determine if current parking standards are appropriate or need modifications. Predicting future parking requirements is not possible. Codes routinely change and result in legal nonconformities.

In answer to Vice Chair Kleiman's question, Associate Planner Lee indicated that the Zoning Code requires one space per 250 square feet for outpatient surgery centers.

Commissioner Koetting related that the City of Irvine requires one space per 180 square feet for medical office, which seems to work in Irvine. He suggested staff consider Irvine's standards when evaluating the City's parking standards.

Commissioner Rosene disclosed a telephone conversation with the applicant. Vice Chair Kleiman disclosed a telephone conversation with the applicant's consultant. Commissioners Klaustermeier, Koetting, and Ellmore disclosed no ex parte communications. Chair Lowrey disclosed a meeting with the applicant's consultant. Commissioner Weigand disclosed conversations with the applicant's consultant and a neighboring business owner.

Chair Lowrey opened the public hearing.

In response to Commissioner Koetting's questions, Matt Haugen, applicant representative, related that BSP Bristol, LLC owns the property. Based on parking demand generated by general office uses at the project site and other sites in the area and the applicant's experience with medical offices operating by appointment only, the applicant is comfortable with requesting a parking waiver. Commissioner Koetting remarked that the applicant has not provided a good reason for the Planning Commission to grant the parking waiver. Other applicants have reduced square footage in order to provide the required number of parking spaces. Phil Greer, applicant consultant, stated that ITE's and the applicant's parking studies provide the opportunity for a parking waiver.

In answer to Commissioner Rosene's query, Mr. Haugen reported the applicant will evaluate the need for a future parking study.

In reply to Commissioner Weigand's inquiries, Mr. Greer related that the applicant is amenable to installing signage and replacing a landscape hedge with fencing should a hedge prove ineffective. Mr. Light is welcome to review landscape and irrigation plans and provide input. Associate Planner Lee advised that the Planning Commission may add a condition of approval to require signage indicating cars parked illegally will be towed.

In answer to Commissioner Koetting's queries, Associate Planner Lee indicated that staff has verified the total square footage of the buildings as 37,515 square feet. Other numbers have been promulgated in promotional real estate materials. Mr. Greer indicated that the applicant considered installing parking lifts at the rear of the property to provide 27 parking spaces and believed the lifts generated sufficient confusion and opposition to omit them from the project.

Mr. Greer shared the applicant's agreement to the conditions of approval as proposed by staff.

Jim Mosher suggested that the project description on handwritten page 17 is ambiguous with respect to conversion based on floor area or number of units and suggested the Planning Commission add a condition of approval allowing conversion of up to 26,260 square feet of floor area. A condition of approval should be added to require a parking management plan. The proposed resolution needs to be revised to reflect a 14-day appeal period for the conditional use permit.

Jim Light, 1401 Quail Street, believed a landscape hedge would not be an effective barrier and preferred fencing. He also appreciated the applicant's willingness to install signage about vehicles parked illegally. A planter is located on the property line between his property and the subject property. Consequently, he should have input into the landscape plan because it affects his property.

Chair Lowrey closed the public hearing.

In answer to Commissioner Koetting's queries, Associate Planner Lee clarified that the parking lot originally provided 167 spaces and currently provides 154 spaces. The current application will reduce the number of parking spaces to 150. Community Development Director Jurjis advised that there is not a condition requiring the applicant to apply for an amendment to the use permit in the future. An applicant is free to apply for an amendment in the future.

Commissioner Klaustermeier expressed concerns about parking. Staff's analyses of parking and standards provide comfort that a 70-percent conversion would comply with parking standards and that the request for a parking waiver is acceptable. She concurred with suggestions for additional conditions of approval regarding a parking management plan, conversion to 70-percent medical office, and a landscape hedge and fencing.

Commissioner Rosene concurred with Mr. Mosher's suggestion to clarify language regarding square footage or percentage and appeal periods. In answer to his question, City Traffic Engineer Tony Brine explained that a parking management plan typically pertains to valet service. That type of parking management plan could benefit the project. Commissioner Rosene expressed concern regarding the parking deficit and the ability of an owners association to manage parking.

Assistant City Attorney Yolanda Summerhill advised that, per Mr. Mosher, a parking management plan is provided on handwritten page 99. The appeal period for a tentative map is 10 days while the appeal period under Titles 20 and 21 is 14 days. The resolution notes the lesser appeal period to ensure full comprehension of appeals.

Vice Chair Kleiman concurred with concerns regarding the parking deficit. Commissioners will probably support 100-percent conversion if parking is not a problem. Parking lifts are an eyesore and probably would not be utilized. A parking deficit of 11 spaces under a 70/30 conversion is more palatable than a deficit of 27 spaces. She preferred a 50/50 conversion with a surgery center in order to reduce the parking deficit.

In answer to Commissioner Weigand's inquiry, Assistant City Attorney Summerhill noted that the Planning Commission has previously considered motions and/or substitute motions pertaining to different levels of conversion. The Commission may wish to approve conversion of a finite amount of space and allow the applicant to submit an application in the future for an amendment to the permit.

Chair Lowrey related his understanding of concerns about the parking deficit and his comfort with a 70/30 conversion based on staff's analysis of parking. The Commission may want to require a parking study in a year and Commission review of the study to ensure parking is not a problem.

In reply to Commissioner Klaustermeier's query, Community Development Director Jurjis clarified that PC 11 requires a specific parking rate and will not be affected by the Citywide parking study. Commissioner Klaustermeier remarked that, based on Zoning Code parking standards and standards recommended by ITE, the applicant's proposal is compliant with parking standards.

Commissioner Koetting concurred with the suggestion for a 50/50 conversion with a review of parking in a few years.

Chair Lowrey reopened the public hearing.

Mr. Greer reported that the applicant believes 70 percent is a realistic number and is amenable to a review in about 18 months. A 50/50 conversion would be detrimental to the project. If a 70/30 conversion results in parking issues, neighbors will complain to the Planning Commission. The applicant would probably agree to a 60/40 conversion. A requirement to fill gaps in landscaping with fencing is acceptable.

Vice Chair Kleiman remarked that the applicant does not appear to be willing to compromise. While she preferred a requirement for 30 percent medical office, 20 percent outpatient surgery center, and 50 percent professional office, she could support 50 percent medical office and 50 percent professional office. In the future, the applicant can apply for an amendment to increase medical office if parking is not an issue.

Jim Mosher reported the applicant submitted a parking management plan that includes the landscape hedge and signage and suggests parking quotas may be assigned to tenants. The plan is used to justify a parking waiver, but implementing the plan is not a condition of approval.

Jim Light supported a 50/50 conversion so that the applicant could increase medical office in the future. Fencing should be installed along the entire length of the parking lot. He wanted the ability to approve plantings and irrigation for the planter located on the property line.

Chair Lowrey closed the public hearing.

Commissioner Weigand proposed the Commission consider Condition of Approval 10 contained in the previous two packets along with a 50/50 or 60/40 conversion so that the applicant can conduct a parking study to justify an increase in medical office.

Commissioner Rosene commented that Commissioners are not suggesting that the applicant cannot return with a parking study to justify an increase.

Commissioner Weigand clarified that Condition of Approval 10 provided a ministerial process rather than the public hearing process.

Motion made by Chair Lowrey and seconded by Commissioner Weigand to approve the staff recommendation with additional conditions of approval to clarify 70 percent medical office and an associated square footage, install fencing between the two properties, and the applicant to return with a full, updated traffic study to ensure parking is not an undue burden on the adjacent property owners.

Substitute Motion made by Vice Chair Kleiman and seconded by Commissioner Koetting to approve the staff recommendation as amended to allow conversion of 50 percent to medical office, include Condition of Approval 10 from the prior two hearings, and require fencing, signage, and clarification of total square footages.

Vote on the Substitute Motion:

AYES: Kleiman, Koetting, and Rosene
NOES: Ellmore, Klaustermeier, Lowrey, and Weigand
ABSTAIN: None
ABSENT: None

Vote on the Motion:

AYES: Ellmore, Klaustermeier, Lowrey, and Weigand
NOES: Kleiman, Koetting, and Rosene
ABSTAIN: None
ABSENT: None

5. CORONA DEL MAR 76 SERVICE STATION REMODEL (PA2019-027)
Site Location: 2201 East Coast Highway

Summary:

Conditional use permit and coastal development permit to allow the remodel and 232-square-foot addition to an existing automobile service station and convenience market, to operate as a convenience market only. The application includes a request for deviations from minimum lot size, setbacks for the retail building, the location of the air/water dispenser, and minimum landscaping requirements pursuant to Newport Beach Municipal Code (NBMC) Section 20.48.210 (Service Stations). The application also includes the addition of a Type 20 (Off-Sale Beer and Wine) Alcoholic Beverage Control (ABC) license. If approved, accepted

and implemented, this coastal development permit and conditional use permit would supersede and replace Use Permit No. UP1580 that authorizes the existing facility.

Recommended Action:

1. Conduct a public hearing;
2. Find this project exempt from the California Environmental Quality Act (CEQA) pursuant to Section 15301 under Class 1 (Existing Facilities) of the CEQA Guidelines, because it has no potential to have a significant impact on the environment; and
3. Adopt Resolution No. PC2021-029 approving Coastal Development Permit No. CD2019-005 and Conditional Use Permit No. UP2019-004.

Associate Planner Chelsea Crager reported the applicant proposes to remodel the building, construct a 232-square-foot addition, and add a Type 20 ABC license for beer and wine sales and offsite consumption. The existing 76 service station includes a small retail component and vehicle repairs. Many of the surrounding uses are nonresidential. The subject property is zoned Commercial Corridor (CC). The current use, including retail and vehicle repairs, was authorized in the 1970s by a use permit. In August 2020, the Planning Commission was scheduled to review the applicant's proposal to demolish the existing structure and construct a two-story convenience store. At the applicant's request, the item was continued. The applicant has proposed a smaller-scale project with a lower height. The project was presented to the Corona del Mar Residents Association (CDMRA), and CDMRA submitted a letter of support. Proposed hours of operation for the convenience store are 6 a.m. to midnight with alcohol sales ending at 11 p.m. and fuel pumps operating 24 hours. The project also proposes modification of service station standards. The project provides required parking of 10 spaces. Walk-in coolers and freezers are not accessible by the public. A proposed condition of approval requires shelving to be positioned so that the sales clerk is visible from outside the building. The maximum height of the architectural feature is 23 feet 6 inches. The maximum allowed height in the CC zone is 32 feet. The building is modulated and articulated to prevent monotony. The CC zoning district requires 0-foot setbacks along the front, rear, and sides of the property. Service station standards require a 10-foot side setback for the building and a 10-foot setback for the air and water dispenser. The applicant proposes a 0-foot setback for the building and a 4-foot setback for the air and water dispenser. Based on service station standards, the minimum required lot size is approximately 14,500 square feet. The actual lot size is approximately 13,800 square feet. The applicant requests reductions of standards for perimeter landscaping, landscaping coverage of the total site, and quantity of trees and shrubs. The Police Department has reviewed the application and calls for service in the area of the project site and recommended conditions of approval for an employee training program, no onsite consumption, no sales of single containers or small wine bottles, no exterior advertising of alcohol, security recording, and no alcohol sales between 11 p.m. and 6 a.m. Staff recommends an additional condition of approval requiring the applicant to secure alcohol after 11 p.m.

In answer to Commissioner Klaustermeier's questions, Associate Planner Crager indicated that the applicant proposes to retain the existing legal nonconforming condition. There will be minor changes to landscaping, but the appearance will be quite similar to the existing landscaping. Community Development Director Jurjis explained that the City does not have Design Review. Staff provides feedback and input regarding the design of a project, but the property owner determines the design. The Planning Commission may provide suggestions.

In response to Commissioner Koetting's inquiry, Associate Planner Crager advised that the applicant has not provided a materials board. Community Development Director Jurjis clarified that a materials board is required for new development. The project before the Commission is a remodel.

In reply to Vice Chair Kleiman's query, Associate Planner Crager related that the applicant is not requesting exceptions to all service station standards.

Commissioner Rosene and Vice Chair Kleiman disclosed meetings with the applicant. Commissioners Klaustermeier and Secretary Ellmore disclosed no ex parte communications. Commissioner Koetting disclosed a conversation with the applicant and two site tours on his own. Chair Lowrey disclosed a meeting with the applicant in 2020 and a recent conversation with the applicant's consultant. Commissioner Weigand disclosed a conversation with the applicant's consultant and a meeting with the owner.

Chair Lowrey opened the public hearing.

Hamid Kianipur, the applicant, advised that his vehicle repair business is no longer viable and proposed a convenience store to replace the repair business.

Scott Peotter, the applicant's representative, indicated that a service station has been located on the site since the early 1950s, and the site was improved in 1972. He reviewed the original 2019 proposal and subsequent modifications. The current proposal does not include a second story or 7-Eleven branding. The current design is more consistent with the neighborhood. Parking has been improved and includes accessible spaces. Landscaping will be replaced with drought-tolerant vegetation. The building now has a pedestrian scale.

In response to Commissioner Koetting's questions, Mr. Peotter related that glass will not be inserted into the steel eyebrow but may house LED lighting. The entry element can be raised. The wall along the alley is in good shape. Associate Planner Crager stated that the license allows the sale of beer and wine only. Mr. Kianipur related his willingness to change signage. He advised that he will operate the market and offer premade sandwiches. Additional exterior lighting is acceptable. Commissioner Koetting suggested the applicant reduce the width of the driveway, extend the landscape triangle, designate the driveway as exit only, and relocate the air and water dispenser.

In reply to Commissioner Weigand's query, Mr. Kianipur noted that the sale of single containers and small wine bottles is prohibited and indicated his willingness to amend the hours for alcohol sales. Mr. Peotter suggested the Planning Commission provide the Police Department with discretion to review alcohol sales after a year.

In answer to Commissioner Rosene's inquiry, Mr. Kianipur explained that the proposed colors for the building have remained the same since 2019. The service station will be branded for Shell, and Shell may require different colors.

In response to Secretary Ellmore's questions, Mr. Peotter characterized the style of Corona del Mar as eclectic and pedestrian in scale. The style of the project is modern contemporary. Secretary Ellmore preferred neutral colors consistent with the village. Mr. Peotter clarified that the size of the red ribbon will be about 18 inches, and the height of the architectural element at the entryway is approximately 23 feet 8 inches. Secretary Ellmore expressed concern about alcohol sales between 6 a.m. and 8 a.m.

In reply to Commissioner Kleiman's queries, Mr. Kianipur advised that he purchased the business in 2003 and has not made any improvements. Currently, the convenience store sells sodas, water, chips, candy, and other small items. Typically, 7-Eleven stores are open 24 hours, but he was willing to reduce the hours of operation. In response to the community's opposition, he decided not to partner with 7-Eleven. Mr. Peotter added that the main differences between the original and current proposals are the size and design of the building.

Mr. Kianipur advised that he agrees to the proposed conditions of approval.

In reply to Vice Chair Kleiman's questions, Police Civilian Investigator Wendy Joe reported calls for service to Korker Liquor and Papa's Liquor were relatively low probably because they were not brand names. Stores such as 7-Eleven and Circle K are associated with more police activity probably because they are open 24 hours. Direct comparison of stores is difficult, but the Chevron station on Jamboree is probably the most similar to the proposed convenience store. The Police Department anticipates calls for service to the project site will double if alcohol sales are allowed. The Police Department recommended no alcohol sales after 11 p.m. because the number of alcohol-related crimes and DUI citations increases after 11 p.m. The Transportation Center is experiencing a heavy population of homeless people, and the combination of proximity to the Transportation Center and alcohol sales is a concern for the Police Department. Korker closes at 9 p.m. Rite-Aid has an alcohol license. The Police Department wishes to support the applicant's efforts to operate a successful business but prefers to prohibit alcohol sales after 9 p.m. The difference in calls for service between Circle K and Korker is probably the result of the stores' locations.

In answer to Secretary Ellmore's inquiries, Police Civilian Investigator Joe stated Circle K was located adjacent to a liquor store before it closed. With Korker closing at 9 p.m. and the proposed project ceasing alcohol sales at 11 p.m., there will be an increase in calls for service. The number of alcohol-related crimes is low in the morning hours.

In response to Commissioner Koetting's queries, Police Civilian Investigator Joe noted that the Shell station located at Jamboree and San Joaquin was not listed in the report but is located near residences.

In reply to Commissioner Weigand's questions, Police Civilian Investigator Joe agreed that the 7-Eleven on Superior had a large number of calls for service. Locking one of the entry doors would be preferable but may be prohibited by the Fire Code. If the market remains open after alcohol sales cease for the day, a plan to lock coolers and block the view of alcohol products needs to be developed. Inspections occur on a regular basis. Associate Planner Crager added that most stores lock the coolers and/or cases containing alcohol products.

In answer to Vice Chair Kleiman's inquiries, Police Civilian Inspector Joe was not aware of an armed robbery at Korker.

Cynthia Hollern remarked that the community has not had adequate opportunity to review the project because of the closure of City Hall due to the pandemic. The current project is significantly different from the original project. She suggested a continuation of the item so that the community can review the project and engage with staff and the applicant. She objected to the proposed hours of operation and the building design and expressed concern regarding potential impacts on pedestrian traffic and the lack of police presence during night hours.

An unidentified speaker expressed concern that alcohol sales between 9 p.m. and 11 p.m. will increase calls to the Police Department. Neighbors around the project site are not requesting another convenience store.

Mr. Peotter noted that the Police Department does not segregate calls for service by census district. A call for service at a particular address does not mean that the address has caused the call.

Chair Lowrey closed the public hearing.

In answer to Vice Chair Kleiman's query, Community Development Director Jurjis reported the use permit runs with the land, and the Planning Commission has no control over the business owner selling the business to a 7-Eleven.

Assistant City Attorney Summerhill advised that the Planning Commission has some discretion regarding project design.

Commissioner Weigand proposed alcohol sales cease at 9 p.m. and a review by either the Planning Commission or the Police Chief and Community Development Director in a year. Prohibiting sales after 9 p.m. will be consistent with Korker's closing.

Commissioner Koetting noted that Condition of Approval 18 accepts the hours of operation for opening and closing and liquor sales.

Commissioner Rosene concurred with closing alcohol sales at 9 p.m. and recommended the applicant modify the building colors.

In answer to Commissioner Klaustermeier's inquiry, Assistant City Attorney Summerhill indicated the Commission may require the applicant to work with staff regarding design.

Secretary Ellmore concurred with Commissioner Klaustermeier's comments.

Vice Chair Kleiman sympathized with the applicant's need to improve his business model and expressed concern regarding approval of an additional alcohol license in the area. The applicant's failure to improve the property in almost 20 years is another concern. The current proposal is essentially the same as the original proposal.

Motion made by Secretary Ellmore and seconded by Commissioner Weigand to approve the staff recommendation with amendments to cease alcohol sales at 9 p.m., require the applicant to work with staff regarding building design, and allow a review of the project with the Police Department or the Community Development Director in a year.

In answer to Commissioner Koetting's question, Commissioner Weigand related that the market's closing time would be midnight.

AYES: Ellmore, Klaustermeier, Koetting, Lowrey, Rosene, and Weigand
NOES: Kleiman
ABSTAIN: None
ABSENT: None

IX. STAFF AND COMMISSIONER ITEMS

6. MOTION FOR RECONSIDERATION

None

7. REPORT BY THE COMMUNITY DEVELOPMENT DIRECTOR OR REQUEST FOR MATTERS WHICH A PLANNING COMMISSION MEMBER WOULD LIKE PLACED ON A FUTURE AGENDA.

Community Development Director Jurjis reported second readings regarding the Residences at Newport Center project and the General Plan Amendment at the Pacifica High School location are scheduled for the Council's October 12, 2021 meeting. The Planning Commission's October 21, 2021 meeting is canceled. Staff anticipates receiving comments from the California Department of Housing and Community Development regarding the draft Housing Element and presenting the comments to the Council on October 26 for further direction.

8. REQUESTS FOR EXCUSED ABSENCES

Commissioner Koetting advised that he would not be present for the November 4, 2021 Planning Commission meeting.

X. ADJOURNMENT – 9:28 p.m.

The agenda for the October 7, 2021, Planning Commission meeting was posted on Friday, October 01, 2021, at 2:35 p.m. in the Chambers binder, on the digital display board located inside the vestibule of the Council Chambers at 100 Civic Center Drive, and on the City's website on Friday, October 01, 2021, at 2:20 p.m.

Lee Lowrey, Chairman

Curtis Ellmore, Secretary