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

March 8, 2021

Special Brown Act Training Session – 5:30 p.m.

Regular Meeting – 6:00 p.m.

CALL TO ORDER:

Chair de Arakal called the Special Brown Act Training Session Zoom webinar meeting to order at 5:30 p.m.

PLEDGE OF ALLEGIANCE:

Chair de Arakal led the Pledge of Allegiance.

ROLL CALL:

Present: Chair Byron de Arakal, Vice Chair Kedarious Colbert, Commissioner Dianne Russell, Commissioner John Stephens, Commissioner Russell Toler, Commissioner Jenna Tourje, Commissioner Jon Zich

Officials Present: Director of Economic and Development Services Jennifer Le, Assistant Planner Katelyn Walsh, Assistant City Attorney Tarquin Preziosi, City Engineer Seung Yang, City Clerk Brenda Green, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

1. Chair de Arakal read a brief statement into the record regarding COVID-19, and how the Public can participate in the meeting.
2. Assistant City Attorney Tarquin Preziosi presented the Brown Act Training Session.
3. Chair de Arakal adjourned the Special Brown Act Training Session at 5:53 p.m.

REGULAR MEETING 6:00 P.M.:

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

PUBLIC COMMENTS ON ITEMS NOT LISTED ON THE AGENDA:

Chair de Arakal opened Public Comments at 6:01 p.m.

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- Caller 1: Wendy Leece, resident, spoke in opposition to the proposed Triangle LED signs.
- Caller 2: Cynthia McDonald, resident, inquired whether the Chair would allow comments from the Public on revisions to the proposed Triangle Square LED signs project. Chair de Arakal stated the public will be allowed to speak again on the matter.
- Caller 3: Steven Chan, resident, commented his original request about the noise from Smart and Final was 90 days prior. He asked the City to abate the public nuisance.
- Caller 4: Todd Martin, resident, inquired if the Triangle Square project agenda item has been continued. Chair de Arakal stated the Commission has not made a decision on the matter.
- Caller 5: Dale Luther, resident, inquired if his email regarding the Triangle Square project was received. Chair de Arakal stated it was received. The resident spoke in opposition to the proposed project.
- Caller 6: Unidentified caller spoke on ex-parte declarations and requested they include when Commissioners spoke to the members of City Council and/or the Applicant.
- Caller 7: Linda Morgan, resident, spoke in opposition to the Triangle Square project.

Chair de Arakal closed Public Comments at 6:15 p.m.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Russell announced the Parks and Community Services Park Hop Extravaganza event. She reminded everyone to vote in the March 9, 2021, OC Board of Supervisors election. She noted March 8, 2021, is International Women's Day – Theme is "A Challenged World is an Alert World".

Commissioner Stephens reminded everyone to vote in the March 9, 2021, OC Board of Supervisors election.

Commissioner Zich spoke about correspondence received earlier in the day regarding the Target Center and inquired if Code Enforcement is the best way to handle it. Director Le stated forwarding to Code Enforcement staff is the appropriate path.

Commissioner Tourje noted she was pleased the completed roadwork on the Westside included a bike lane designed for high visibility.

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Commissioner Toler briefed the Commission on www.wearetrellis.com and their event, Love Our City, on March 13, 2021 at 6:00 p.m. He also provided information on the Caltrans Active Transportation Plan survey, and he encouraged everyone to take the survey at www.survey.org/caltrans. He also spoke about the Housing Element and discussed renter versus landowner considerations.

Vice-Chair Colbert also noted it was International Women's Day. He addressed Mr. Chan and stated he has heard Mr. Chan's comments.

Chair de Arakal spoke about an article he recently read by Samuel J. Abrams regarding home ownership (Op-Ed: Is the dream of owning a home losing its appeal?).

CONSENT CALENDAR: None

PUBLIC HEARINGS:

1. ZONING APPLICATION 19-68 FOR A PLANNED SIGNING PROGRAM AND DEVELOPMENT AGREEMENT 20-01 FOR TRIANGLE SQUARE (1870 HARBOR BOULEVARD AND 1875 NEWPORT BOULEVARD)

Project Description: Zoning Application 19-68 is a request for a Planned Signing Program for Triangle Square to establish a new sign concept for the shopping center including electronic signs to be used for on- and off-site advertising. The project also includes a Development Agreement (DA-20-01) to be adopted by Ordinance in conjunction with the proposed Planned Signed Program. This item was continued from the April 13, 2020 and February 8, 2021 Planning Commission meetings.

Environmental Determination: This project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15311 (Class 11) Accessory Structures.

Recommended Action: Staff recommends that the Planning Commission continue this item to the April 12, 2021 Planning Commission meeting.

Written public comments were: 1) received; 2) provided to the Commissioners; and 3) entered into the record.

Ex-parte communications: 1) Commissioner Stephens had telephone conversations with Cynthia McDonald, Todd Martin, Tyler Mateen, and Coralee Newman; he corresponded with Wendy Leece, Flo Martin, and Katie Arthur via email; 2) Commissioner Zich received a number of emails from the members of the public and exchanged comments with members of the public; 3) Vice-Chair Colbert corresponded with Wendy Leece, Katie Arthur and Dale Luther via email; 4) Commissioner Tourje received emails from members of the public; 5) Chair de Arakal had a telephone conversation with Coralee Newman; he received correspondence from Todd Martin and Dale Luther; 6) Commissioner Russell

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received several emails from members of the public; 7) Commissioner Toler received several emails from members of the public.

MOTION: A motion was made by Chair de Arakal to continue the Public Hearing to April 12, 2021.

Moved by Chair de Arakal, seconded by Commissioner Stephens.

The motion carried by the following roll call vote:

Ayes:	de Arakal, Colbert, Russell, Stephens, Toler, Tourje, Zich
Nays:	None
Absent:	None
Recused:	None
Motion carried:	7 – 0

Commissioner Stephens recused himself at 6:47 p.m., and left the meeting.

2. EXTENSION TO AND AMENDMENT OF THE SAKIOKA FARMS DEVELOPMENT AGREEMENT DA-99-02 (DA-20-03), SAKIOKA LOT 2, 14850 SUNFLOWER AVENUE

Project Description: An Ordinance to adopt the First Amendment to Development Agreement DA-99-02 (DA-20-03) to amend and extend the original Development Agreement established for Sakioka Farms Lot 2 (33 acres) for a period of ten years, to expire on May 15, 2031. The term of the existing Development Agreement expires on May 15, 2021.

Environmental Determination: The City finds that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15061 (b) (3) (general rule) of the CEQA Guidelines because the amendment is merely a time extension for an existing development agreement and does not change the underlying project. In addition, the relevant environmental analysis contained in the approved 2015 – 2035 General Plan EIR (SCH No. 2015111053, June 2016) is still valid and applicable to the project such that no further environmental review is required.

Recommended Action: Staff recommends that the Planning Commission adopt a Resolution to recommend that the City Council:

1. Find that the project is categorically exempt from the provisions of CEQA per CEQA Guidelines Section 15061 (b) (3) (general rule) of the CEQA Guidelines because the amendment is merely a time extension for an existing development agreement and does not change the underlying project. In addition, the relevant environmental analysis contained in the approved 2015 – 2035 General Plan EIR (SCH No. 2015111053, June 2016) is still valid and applicable to the project such that no further environmental review is required; and

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2. Give first reading to Ordinance 2021-xx to approve Development Agreement 20-03.

Written public comments were: 1) received; 2) provided to the Commissioners; and 3) entered into the record.

Ex-parte communications: 1) Commissioner Russell exchanged emails with local residents and had a phone conversation with the Applicant; 2) Commissioner Zich received emails from community members and had a conversation with the Applicant; 3) Commissioner Stephens spoke with the Applicant and received an email from Kathy Esfahani; 4) Chair de Arakal had a telephone conversation with the Applicant, and received an email from Kathy Esfahani and spoke to her on the telephone.

Assistant Planner Katelyn Walsh gave the staff presentation.

Discussion with Commission and Staff included clarification of what City benefits would be lost if an extension was not granted, what the site would default to, the development summary under the existing Agreement, discretionary action of the master plan for future projects, clarification of why eminent domain is listed in the Agreement, definition of eminent domain and when it can be used, when the City last used eminent domain, future inclusionary housing ordinance, whether or not the site has been included in a previous Housing Element, traffic trips and maximum number of housing units on the site if developed, clarification of the status of the VMT and LOS traffic analysis guidelines update in relation to the Agreement (the City's traffic analysis guidelines were previously discussed and continued by the Commission), and clarification of the application to establish a U-Pick use at the subject site.

Chair de Arakal opened the Public Hearing at 7:56 p.m.

Applicant George Sakioka of Roy K. Sakioka & Sons, Amy Forbes, from Gibbs and Dunn, and Tony Petros, from LSA, gave their presentation.

PUBLIC COMMENTS:

Chair de Arakal opened Public Comments at 8:01 p.m.

Caller 1: Kathy Esfahani, resident, requested the Commission let the 20-year-old agreement expire, and negotiate a better one.

Caller 2: Cassius Rutherford, resident and renter, urged the Commission allow the agreement to expire.

Caller 3: Linda (no last name given), resident, requested the Commission allow the agreement to expire, and explore the opportunity and potential of Lot 2 for affordable housing.

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Chair de Arakal closed Public Comments at 8:09 p.m.

Discussion with Commission, Applicant, and Staff included unit maximum, current land-use designation/regulations, current market conditions, inclusionary/affordable housing requirements, and reiteration of what the agreement will establish.

Chair de Arakal closed the Public Hearing at 8:32 p.m.

MOTION: A motion was made by Commissioner Zich to recommend that the City Council:

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) (general rule) of the CEQA Guidelines because the amendment is merely a time extension for an existing development agreement and does not change the underlying project. In addition, the relevant environmental analysis contained in the approved 2015 – 2035 General Plan EIR (SCH No. 2015111053, June 2016) is still valid and applicable to the project such that no further environmental review is required; and
2. Give first reading to Ordinance 21-xx to approve Development Agreement 20-03.

Moved by Commissioner Zich, and seconded by Vice-Chair Colbert.

Chair de Arakal offered a substitute motion.

SUBSTITUTE MOTION: Recommend that the City Council give first reading to the Ordinance approving the extension of the Development Agreement, with the following negotiated additional provisions: 1) include a commitment to provide affordable housing as part of the residential component of the project; 2) agree to include the site as a housing opportunity site in the City's Housing Element with an identified density and number of units, and 3) if General Plan and zoning actions implementing the Housing Element are approved by the City and the public in compliance with Measure Y, as applicable, then the applicant agrees to build to the higher density and number of units including any affordable housing units required at that time.

Moved by Chair de Arakal, and seconded by Commissioner Tourje.

Commissioner Zich discussed that he may not support the substitute motion.

Commissioner Russell will reluctantly support the substitute motion.

Assistant City Attorney Preziosi requested clarification on the substitute motion.

The substitute motion carried by the following roll call vote:

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Ayes: de Arakal, Colbert, Russell, Toler, Tourje, Zich
 Nays: None
 Absent: None
 Recused: Stephens
 Motion carried: 6 – 0

RESOLUTION PC-2021-03 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT CITY COUNCIL GIVE FIRST READING TO AN ORDINANCE AUTHORIZING THE FIRST AMENDMENT TO DEVELOPMENT AGREEMENT 99-02 (DA-20-03) FOR SAKIOKA LOT 2 LOCATED AT 14850 SUNFLOWER AVENUE

Chair de Arakal announced a recess at 8:57 p.m.

Chair de Arakal reconvened the meeting at 9:10 p.m.

Commissioner Stephens re-entered the Council Chambers at 9:10 p.m.

3. ZONING APPLICATION 20-22 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW GROUP COUNSELING IN THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE, LOCATED AT 3001 RED HILL AVENUE, BUILDING 4, UNIT 106

Project Description: Zoning Application 20-22 is a request for a Minor Conditional Use Permit (MCUP) to allow a group counseling use (New Directions for Women) to operate in the Planned Development Industrial (PDI) zone. New Directions for Women is located within an existing tenant space (3,148 square feet) at 3001 Red Hill Avenue, Building 4, Unit 106.

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

Recommended Action: Staff recommends that the Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act per CEQA Guidelines Section 15301 (Class 1), Existing Facilities; and
2. Approve Zoning Application 20-22, subject to conditions of approval.

Vice-Chair Colbert recused himself at 9:11 p.m., and left the meeting.

No ex parte communications.

Assistant Planner Katelyn Walsh presented the staff report.

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Chair de Arakal opened the Public Hearing at 9:22 p.m.

COMMISSIONER COMMENTS: None

Sue Bright of New Directions for Women stated she has read the staff report and agrees to the conditions of approval.

Sue Bright thanked staff and presented the proposed application.

Chair de Arakal opened Public Comments at 9:27 p.m.

PUBLIC COMMENTS: None

Chair de Arakal closed Public Comments at 9:28 p.m.

Chair de Arakal closed the Public Hearing at 9:28 p.m.

MOTION: A motion was made by Chair de Arakal to approve the project subject to conditions of approval:

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 20-22, subject to conditions of approval.

Moved by Chair de Arakal, and seconded by Commissioner Russell.

The motion carried by the following roll call vote:

Ayes:	de Arakal, Russell, Stephens, Toler, Tourje, Zich
Nays:	None
Absent:	None
Recused:	Colbert
Motion carried:	6 – 0

RESOLUTION PC-2021-04 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION 20-22 FOR A MINOR CONDITIONAL USE PERMIT TO ALLOW GROUP COUNSELING IN THE PLANNED DEVELOPMENT INDUSTRIAL (PDI) ZONE, LOCATED AT 3001 RED HILL AVENUE, BUILDING 4, UNIT 106

DEPARTMENTAL REPORT(S):

1. Public Services Report – City Engineer Yang stated the Bear Street and Hamilton Street projects are complete.

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2. Development Services Report – Director Le gave an update on SCAG and the City's 11,760 unit RHNA allocation; She announced the City Council Study Session on the Housing Element will be held on March 23, 2021.

CITY ATTORNEY'S OFFICE REPORT(S):

1. City Attorney – Mr. Preziosi had no report.

ADJOURNMENT AT 9:33 P.M.:

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION