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

**April 12, 2021
Regular Meeting – 6:00 p.m.**

CALL TO ORDER:

Chair de Arakal called the Zoom webinar meeting to order at 6:00 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 Jenna Tourjé, Commissioner Dianne Russell, Commissioner Russell Toler, Commissioner Jon Zich

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

ANNOUNCEMENTS AND PRESENTATIONS: None.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Caller one: Spoke on April being Distracted Drivers Month. She asked the Commission to make the “right decision” during the meeting to help limit distracted driving and keep the residents of Costa Mesa safe.

Caller Two: Provided staff a three-minute presentation about noise levels at a local supermarket (Smart & Final) to play for the Commissioners during the meeting.

Hengameh Abraham spoke in opposition to Public Hearing item number one.

Justin Michaels spoke in favor of Public Hearing item number one.

COMMISSIONER COMMENTS AND SUGGESTIONS:

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Commissioner Tourjé informed the public about the City's Pedestrian Master Plan process and how to participate in the study. She also spoke on the upcoming Costa Mesa Housing Element.

Commissioner Toler presented a slide show with instructions on how to participate in the Pedestrian Master Plan study and about walkability in the City of Costa Mesa.

Chair de Arakal commended the Orange County Fair for their Covid-19 vaccination system they have set up for the public. He also encouraged the public to get their Covid-19 vaccination.

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: This report is a continuation of the staff report from the February 8, 2021 Planning Commission meeting. This report provides additional information regarding the issues raised during the Planning Commission meeting, and describes the changes that have been made since that meeting.

Environmental Determination: The project is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15311 (Class 11), Accessory Structures. This exemption consists of construction or placement of minor structures accessory to existing commercial, industrial, or institutional facilities. The project is for new on premise signs which are visually consistent with the existing commercial center and as designed have minimal impact to existing light levels, compared to existing conditions. The project is therefore consistent with this exemption.

Public comments were received on this item, provided to the Commissioners, and made a part of the record.

Six ex-parte communications to report:

Commissioner Toler reported a scheduled call with the representative of the applicant.

Commissioner Tourjé reported a scheduled conversation with the applicant's representative and several conversations with members of the community.

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Commissioner Zich reported a communication with the applicant's representative, several telephone calls with Costa Mesa residents, received emails from Costa Mesa residents and conducted his own research on the item.

Commissioner Russell reported two phone calls with the applicant and multiple conversations with members of the community.

Vice Chair Colbert reported a number of conversations with the applicant's representative, conversations with members of the community, as well as emails from residents.

Chair de Arakal reported a telephone conversation with the applicants representative, telephone conversations with members of the community, and received emails from multiple members of the community.

Justin Arios, Assistant Planner, presented the staff report.

Commission questions included:

Commissioner Zich asked whether the City or the applicant would be responsible for retaining an attorney in the event of an accident, with a claim of driver distraction due to the proposed signs. He also asked about the insurance that the applicant would provide for the City and asked staff for specifics on prohibited advertisements.

Commissioner Tourjé asked how the intent of the sign codes were interpreted for residential zones when the code says all zones are prohibited from having signs with flashing, moving lights.

Chair de Arakal asked for clarification on advertisement slots the city is allocated.

Chair de Arakal clarified that the public hearing remained open from the prior meeting.

Cora Newman, the applicant's representative, presented an informational slide show.

Commission questions continued:

Commissioner Zich asked the applicant about light levels, and how they came to their calculations of the light levels of the proposed signs. He also asked the applicant when they acquired the property and what the vacancy rate was when they acquired the property. He also inquired about the revenue projections.

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Commissioner Tourjé asked the applicant whether they conducted a market feasibility study to identify alternatives to digital advertising for revenue generation. She also inquired about the dimmable lighting for the digital signs and correlation with safety.

Vice Chair Colbert asked the applicant whether their projections for revenue from digital signs exceed one million with the change of ad duration from eight seconds to twenty seconds. He asked the applicant if the Council did not approve the project, how they would reevaluate to improve their branding.

PUBLIC COMMENT:

Andrew John, resident, spoke in support of the item.

Flo Martin spoke in opposition of the item.

Shaan Metha, resident and business owner, spoke in support of the item.

Eric Lee, business owner, spoke in support of the item.

Ian Humphry, business owner's representative, spoke in support of the item.

Katie Arthur spoke in opposition of the item.

Andrew Wagner-Trugman, resident, spoke in support of the item.

Todd Martian, resident, spoke in opposition of the item.

Vera Wilder, resident, spoke in support of the item.

Rick Huffman, spoke in opposition of the item.

Caller Eleven, resident, spoke in support of the item.

Danny James, business owner, spoke in support of the item.

Clayton Benton, business manager, spoke in support of the item.

Austin Knight, business owner representative, spoke in support of the item.

Sherri Hudson, resident and business owner, spoke in support of the item.

Jeff Folly, resident and leasing representative of triangle square, spoke in support of the item.

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Matthew Motrin, business owner, spoke in support of the item.

Caller Eighteen spoke in support of the item.

Linda Morgan, resident, spoke in opposition of the item.

Caller Twenty, resident, spoke in opposition of the item.

Wendy Leece, resident, spoke in opposition of the item.

Carla Valenzuela, Chamber of Commerce Representative, spoke in support of the item.

Dale Lutheran, spoke in opposition of the item.

Lauren King, resident, spoke in opposition of the item.

Caller Twenty-five, resident, spoke in opposition of the item.

Caller Twenty-six, resident, spoke in opposition of the item.

Ben Chapman, resident, spoke in opposition of the item.

Cynthia McDonald, resident, spoke in opposition of the item.

Herb Mitel, resident, spoke in opposition of the item.

Holly Locie, resident, spoke in support of the item.

Tom Arnold, resident, spoke in opposition of the item.

Michael Mosses-Knoll, resident, spoke in opposition of the item.

Daniel Folly, resident, spoke in support of the item.

Caller Thirty-four spoke in opposition of the item.

Barbara Ecken, resident, spoke in opposition of the item.

Caller Thirty-six, facility manager for Triangle Square, spoke in support of the item.

Ashtyn Mogavin, resident, spoke in support of the item.

Caller Thirty-eight, spoke in opposition of the item.

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George Kashagian, resident, spoke in support of the item.

Paya Abgi, business owner, spoke in support of the item.

Chair de Arakal paused the meeting for a ten minute break.

Commission, Applicant and staff discussion included:

Chair de Arakal asked the applicant about the purpose of the signs and whether or not the purpose was to generate income. He also asked if the project would be viable if there was no third party advertising allowed. He inquired how third party signs would entice the public to visit Triangle Square. He also asked the applicant discuss the “special circumstance” behind the request for electronic signs, in light of Ordinance Section 13-1-16. He asked Mr. Arios in past projects where LED display signs were approved, under a Planned Sign Program, if any off site advertising was allowed or permitted. He inquired with staff what they felt was the special circumstance that supported approval of the LED signs. He asked the applicant what the timeline was for the construction of the signs.

Vice Chair Colbert asked Ms. Rosales about the timing for the light cycle at the intersection of 19th and Newport. He asked Mr. Arios about the types of deviations from code requirements that were being requested, and if the deviations are consistent with other plan signing programs throughout the City. He clarified his question by asking staff if there was a history of Planned Sign Programs with deviations. He also asked in the event of the site sale, whether the entitlements go with the site and whether the terms would have to be agreed upon with the new owner.

The Chair closed the public hearing.

Commissioner Toler moved a recommendation to City Council denying Zoning Application 19-68 and Development Agreement 20-01. Seconded by Commissioner Zich.

Commissioner Toler stated he is not in support of the project for two reasons. One, the proposed project is not consistent with sign code. Two, granting this applicant’s request will make it harder to say no to future applicant’s that ask for the same privileges. He also stated that the residents have expressed that this is not a project that they are in favor of.

Commissioner Zich stated he was in support of the motion. He stated that approving the project seems to be a grant special privilege. He stated that the public benefit from the Development Agreement is not sufficient, although the DA provides revenue for the City; it is not very much and is not worth the cost of the

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impact. He believes the project will have a negative effect on the public's health, safety and general welfare.

Commissioner Tourjé stated she is in support of the motion. She stated she feels that the project does not meet the findings that would compel her to make a recommendation for approval to council.

Commissioner Russell stated she was in support of the motion. She stated she did not want to put the residents and the City in a situation that would negatively affect them.

Vice Chair Colbert stated, he was in support of the motion due to community concerns.

Chair de Arakal stated he was in support of the motion. He stated that the project as proposed does not allow him to make findings that are consistent with the ordinance. He suggested that Council could explore a scaled down version of the digital signs as long as there is no third party advertising.

MOVED/SECOND: Toler/Zich

MOTION: Planning Commission recommends that the City Council deny Zoning Application 19-68 and Development Agreement 20-01.

The motion carried by the following roll call vote:

Ayes: de Arakal, Colbert, Russell, Toler, Tourjé, Zich

Nays: None

Absent: None

Recused: None

Motion carried: 6-0

ACTION: Planning Commission adopted a Resolution recommending denial of Zoning Application 19-68 and Development Agreement 20-01.

RESOLUTION PC-2021-08 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL DENY DEVELOPMENT AGREEMENT 20-01 AND ZONING APPLICATION 19-68 FOR A PLANNED SIGNING PROGRAM FOR TRIANGLE SQUARE LOCATED AT 1870 HARBOR BOULEVARD AND 1875 NEWPORT BOULEVARD

OLD BUSINESS: None.

NEW BUSINESS: None.

DEPARTMENTAL REPORT(S):

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1. Public Services Report: Mr. Yang informed the public of upcoming walk audits, and how the community can participate in them. He also stated the City was working on a residential parking study.
2. Development Services Report: Ms. Le discussed the upcoming City Council study session on April 27, 2021 regarding the City's housing element.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney- none.

ADJOURNMENT AT 11:42 P.M.

Submitted by:

JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION