

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

**February 8, 2021
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 Dianne Russell, Commissioner John Stephens, Commissioner Russell Toler, Commissioner Jenna Tourjé, Commissioner Jon Zich

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

ANNOUNCEMENTS AND PRESENTATIONS:

Chair de Arakal read a statement into the record regarding COVID-19 and how the public can participate in the meeting.

PUBLIC COMMENTS – MATTERS NOT LISTED ON THE AGENDA:

Steven Chan provided a video for Commissioners regarding ongoing noise concerns behind Smart & Final.

Chair de Arakal closed public comments at 6:11 p.m.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Stephens briefed the Commission and the community on a significant new real estate deal with Anduril Tech at The Press (1375 Sunflower Avenue).

Commissioner Toller introduced himself to the Commission and the Community. He praised www.WeAreTrellis.com and encouraged everyone to visit their website for information on upcoming events.

Commissioner Tourjé announced the Housing Element workshops are scheduled as follows: 02/17/2021 – Districts 1, 2, and 3; 02/18/2021 – Districts 4, 5, and 6. She encouraged the community to attend. Community input is very important.

Commissioner Zich welcomed the participants in attendance. He encouraged the community to sign up for email notifications via the City's website.

<https://www.costamesaca.gov/city-hall/city-departments/communications-and-marketing/sign-up-for-e-notifications>

Commissioner Colbert announced that February is Black History Month. He encouraged everyone to watch one of the documentaries on PBS and recommended "This is Our Story, This is Our Song".

Chair de Arakal agreed with Commissioner Tourjé that public participation in the Housing Element workshops is very important. He thanked Commissioner Colbert for the acknowledgement of Black History Month.

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 Signing Program. This item was continued from the April 13, 2020, Planning Commission Meeting.

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

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 provision of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15311 (Class 11), Accessory Structures; and
2. Give first reading to Ordinance 2021-XX to approve Development Agreement 20-01 that incorporates the Planned Signing Program of Zoning Application 19-68, subject to conditions of approval.

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

Ex-parte Communications: 1) Commissioner Zich participated in a Zoom meeting with Applicant and Applicant's representative, participated in the Chamber of Commerce Presentation, and spoke with the Applicant when the item was originally submitted; 2) Commissioner Tourjé participated in a Zoom meeting with the Applicant and Applicant's representative, spoke with the Applicant after continuance and before public outreach, and communicated with members of the public via email and telephone; 3) Commissioner Stephens participated in a Zoom meeting with Applicant and Applicant's representative, communicated with residents, and received monetary contributions from both members of the public and the Applicant; 4) Commissioner Russell participated in a Zoom meeting with the Applicant, and had several conversations with residents; 5) Commissioner Toler participated in a Zoom meeting with the Applicant, and communicated with residents via telephone and email; 6) Vice-Chair Colbert met with the Applicant's representative at the site, participated in a Zoom meeting with the Applicant and the Applicant's representative, and communicated with residents via telephone and email; and 7) Chair de Arakal participated in a Zoom meeting with the Applicant and Applicant's representative, had a telephone conversation with Ms. Arthur, communicated with the Applicant via telephone, and returned a telephone call to Ms. Leece, but did not speak with her.

Assistant Planner Justin Arios presented the staff report.

Commission and Staff discussion included precedent setting, CEQA/traffic studies, and Development Agreement definition/explanation/clarification on: 1) off-site advertising content (clarification on the meaning of accretive of the City brand); 2) gross advertising revenue; 3) advertisement transition length; 4) City content allocation; 5) fees; 6) attorney selection in the event of a lawsuit; 7) City discretion on content; 8) default and remedies; 9) financial analysis; 10) zoning code/lighting impact standards/lighting study); 11) existing land use approvals; 12) public notice; 13) cannabis/alcohol prohibition for sign content; 14) conditions of approval; and 15) political advertising. Also discussed staff report clarification on: 1) property line calculations/maximum signage allowed; 2) conditions of approval; 3) staff's justification for square footage of signage; and 4) requirements for a Class 11 exemption.

Chair de Arakal opened the Public Hearing at 7:34 p.m.

Applicants: Government Solutions Inc. – Coralee Newman, Founding Principal; Katie Newman, Senior Associate. Selbert Perkins Design – Cliff Selbert, Partner; Rachel Rosa, Senior Designer. Lighting Design Alliance – Chip Israel, CEO & Founder. Triangle Center LLC – Tyler Mateen, Partner.

Coralee Newman introduced the Applicant's team. She stated they have read the staff report, the conditions of approval, and the Development Agreement and they agree to them. She also thanked City Staff for their efforts and the community for their input.

Tyler Mateen thanked the Commissioners and the residents for hearing his request to establish a new sign concept. He gave a brief summary of the benefits of the proposed signage, and asked for support of the program.

Coralee Newman gave a presentation on the proposal and the benefits of the Planned Signing Program. She clarified that the program has no neon, no blinking, no video, and no animation.

Community meetings were held on: 10/07/2020, 10/08/2020, 10/14/2020, and 11/30/2020; the applicant's team sent out 3,500 invitations via mail and email.

Cliff Selbert gave an overview of his company. He gave a presentation on their proposal, and provided a video demonstration, noting the changes made after speaking with residents. He thanked everyone for the input.

Coralee Newman summarized the revisions completed to address community concerns.

Chip Israel gave an overview of his company. He gave a presentation on the Lighting Analysis Study. It included 1) site surveys; 2) existing and project light levels for glare and light trespass; 3) local and governmental code compliance; and 4) standards determined by the Illuminating Engineering Society of North America (IESNA) IES Standard RP39-19.

He also defined several technical lighting terms (nits, footcandle, illuminants, footlamberts, lux).

Coralee Newman noted requested key conditions are in the staff report (#7 – no flashing or animation; #8 – refresh frequency; #13 – dimmable system to adjust for fog; #14 – third party confirmation of light levels). She also noted the distinctions/differences between the 2010 proposal vs. 2021 proposal. She reconfirmed the Development Agreement restrictions are agreed to.

Chair de Arakal announced a recess at 8:32 p.m.

Chair de Arakal reconvened the Public Hearing at 8:42 p.m.

PUBLIC COMMENTS:

Chair de Arakal opened public comments at 8:43 p.m.

Caller 1: Hengameh Abraham, resident, business owner, and Chamber ambassador, spoke in opposition to the proposed project.

- Caller 2: David Laurie, Yard House General Manager, spoke in favor of the proposed project.
- Caller 3: Cynthia Nailon, resident and business owner, spoke in opposition to the proposed project.
- Caller 4: Wendy Leece, resident, spoke in opposition to the proposed project.
- Caller 5: Zach Alpern, Time Nightclub owner, spoke in favor of the proposed project.
- Caller 6: Sherri Hudson, Halloween Boutique owner and resident, spoke in favor of the proposed project.
- Caller 7: Flo Martin, resident and member of the Bikeway and Walkability Committee, spoke in opposition to the project.
- Caller 8: Unidentified caller, resident, spoke in opposition to the project (translation by City staff member Silvia Kennerson).
- Caller 9: Jay Humphrey, resident, spoke in opposition to the proposed project.
- Caller 10: Geoff Foley, resident and leasing broker for Triangle Square, spoke in favor of the proposed project.
- Caller 11: Anne Van de Haute, Café Sevilla owner, spoke in favor of the proposed project.
- Caller 12: Alex Petrosian, La Vida Cantina owner, spoke in favor of the proposed project.
- Caller 13: Shaan Mehta, Aspire Salon Studios owner, spoke in favor of the proposed project.
- Caller 14: Unidentified caller, resident, spoke in opposition to the proposed project.
- Caller 15: Carla Valenzuela, Chamber of Commerce CEO, spoke in favor of the proposed project.
- Caller 16: Steven Chan, resident, spoke in opposition to the proposed project.
- Caller 17: Todd Martin, resident, spoke in opposition to the proposed project.
- Caller 18: Linda Morgan, resident, spoke in opposition to the proposed project.
- Caller 19: Eric Lee, Starlight Cinemas Director of Operations, spoke in favor of the proposed project.

- Caller 20: Clayton Benton, 24 Hour Fitness General Manager, spoke in favor of the proposed project. He stated his employees are also in favor.
- Caller 21: Melissa (no last name given), resident, spoke in opposition to the proposed project.
- Caller 22: Cynthia McDonald, resident, spoke in opposition to the proposed project. Provided a video of The Beverly Center's LED sign.
- Caller 23: Cindy Massaro, resident, spoke in opposition to the proposed project.
- Caller 24: Chris (no last name given) spoke in opposition to the proposed project. Call disconnected prior to 3 minutes end.
- Caller 25: Unidentified caller, resident, spoke in opposition to the proposed project.
- Caller 26: Jeffrey Stack, former resident and Triangle Square Facilities Manager, spoke in favor of the proposed project.
- Caller 27: Unidentified caller, resident, spoke in opposition to the proposed project.
- Caller 28: Herb Netal, resident, spoke in opposition to the proposed project.
- Caller 29: Jerilyn (last name given but inaudible), resident, spoke in opposition to the proposed project.
- Caller 30: Katie Arthur, resident, spoke in opposition to the proposed project.
- Caller 31: Unidentified caller spoke in opposition to the proposed project.
- Caller 32: Kerry Weisbruch spoke in opposition to the proposed project.
- Caller 33: Holly Losey, Café Sevilla Director of Marketing, read a letter on behalf of 120 employees in favor of the proposed project.

Chair de Arakal closed public comments at 10:27 p.m.

Katie Newman and Coralee Newman representing the Applicant responded to community concerns: 1) provided additional details regarding the public outreach that was conducted; 2) discussed how current/future tenants feel about the project; 3) highlighted details of the Development Agreement/staff report Conditions of Approval including revenues, regulations, content restrictions, 3rd party verification of light levels, brightness, traffic issues, and liability.

At 10:38 p.m., Coralee Newman stated their willingness to take a continuance due to the late hour.

Discussion with Applicant, Commissioners, and Staff included:

1) Tyler Mateen's original strategy for the property; 2) whether the stationary sign concept up for discussion; 3) earlier turn off time; 4) the possibility of not allowing off-site advertising; 5) property improvement possibilities; 6) Development Agreement clarifications, specifically Sections 4.1.1 – 4.1.4 and 7.1; 7) traffic impact studies clarification; and 8) returned Community outreach mail notices and email blast.

Tyler Mateen and Coralee Newman stated the original strategy evolved into the current strategy due to many factors, including: 1) loss of tenants; 2) deterioration of the center (broken generators, flooding); and 3) COVID-19 pandemic. They agreed to additional discussion on: 1) stationary sign concept; 2) earlier turn-off time; and 3) not allowing off-site advertising.

They also clarified that property improvement possibilities for reinvesting sign revenue included: 1) replace the flooring; 2) art installation; 3) programming for entertainment; 4) modify the eco-system; 5) signage; 6) more permanent capital expenditures; 7) improve/upgrade the parking system; and 8) family friendly/day time center.

Discussion with Commissioners and Staff included: 1) request for revisions to the Development Agreement; 2) desire for additional information regarding the original intent of Ordinance 13-112; 3) policy issues; 3) what is best for the City of Costa Mesa; and 4) process time for Commission review.

MOTION: A motion was made by Chair de Arakal to leave the Public Hearing open and continue to March 8, 2021.

Moved by Chair de Arakal, seconded by Commissioner Zich.

The motion carried by the following roll call vote:

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

Nays: Toler

Absent: None

Recused: None

Motion carried: 6-1

OLD BUSINESS: None

NEW BUSINESS: None

DEPARTMENTAL REPORT(S):

1. Public Services Report –City Engineer Seung Yang had no report.
2. Development Services Report – Director Le provided a Housing Element status report. Reiterated the Community Meeting schedule: 02/17/2021 at 6:00 p.m. – Districts 1, 2, and 3; 02/18/2021 at 6:00 p.m. – Districts 4, 5, and 6.

CITY ATTORNEY'S OFFICE REPORT(S)

1. Mr. Preziosi had no report.

COMMISSIONER COMMENTS:

Chair Colbert inquired what project applications are pre-screened by City Council; Director Le stated only certain Urban Planning applications are required by the Zoning Code to be pre-screened.

ADJOURNMENT AT 11:28 P.M.:

Submitted by:



JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION