

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

November 25, 2019

These meeting minutes represent an "action minute" format with a concise summary of the meeting. A video of the meeting may be viewed on the City's website at www.costamesaca.gov or purchased on DVD upon request.

The Chair called the meeting to order at 6:00 PM.

Commissioner Tourje led the Pledge of Allegiance.

SWEARING IN OF NEWLY-APPOINTED PLANNING COMMISSIONER BY CITY CLERK

Brenda Green, City Clerk, sworn in newly-appointed Commissioner Marc Perkins.

ROLL CALL

Present: Chair Byron de Arakal
Vice Chair Jeffrey Harlan
Commissioner Kedarious Colbert
Commissioner Marc Perkins
Commissioner Dianne Russell
Commissioner Jenna Tourje
Commissioner Jon Zich

Staff: Barry Curtis, Director of Economic and Development Services
Jennifer Le, Assistant Director of Development Services
Tarquin Preziosi, Assistant City Attorney
Raja Sethuraman, Public Services Director
Bart Mejia, City Engineer
Jennifer Rosales, Transportation Services Manager
Daniel Inloes, Economic Development Administrator
Johnwilly Aglupos, Assistant Planner
Julie Colgan, Recording Secretary

ANNOUNCEMENTS AND PRESENTATIONS:

Barry Curtis, Economic and Development Services Director, stated that due to the number of correspondence received and the requests contained in them, staff is recommending that the Commission continue Public Hearing Item No. 2 until December 9, 2019.

- 2. A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL ADOPT AN ORDINANCE (CODE AMENDMENT CO-19-04) AMENDING TITLE 19 OF THE COSTA MESA MUNICIPAL CODE RELATING TO WIRELESS TELECOMMUNICATIONS FACILITIES AND RELATED INFRASTRUCTURE WITHIN THE CITY'S PUBLIC RIGHT-OF-WAY**

Project Description: Code Amendment CO-19-04 would amend Title 19 of the Costa Mesa Municipal Code to modify procedures and requirements for wireless telecommunications facilities within the City's public right-of-way.

Environmental Determination: The ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) under CEQA Guidelines Section 15061(b)(3) (General Rule).

MOTION: Moves that the Planning Commission continue Public Hearing Item No. 2 to the regularly scheduled meeting of December 9, 2019.

Moved by Chair de Arakal, seconded by Commissioner Colbert.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Colbert, Perkins, Russell, Tourje, Zich
Noes: None
Absent: None
Abstain: None

PUBLIC COMMENTS:

Ann Parker, Costa Mesa resident, commented on new Commissioner, Marc Perkins and spoke in support of continuing Public Hearing Item No. 2.

PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Perkins thanked everyone that helped him be here tonight including Council Members and specifically Council Member Reynolds. He also thanked City staff for welcoming him and spending the time getting him up to speed on everything. He spoke on a cycle cross race he took part in and the Costa Mesa community bike ride occurring on December 15th.

Commissioner Tourje and Commissioner Russell welcomed Commissioner Perkins.

Commissioner Zich welcomed Commissioner Perkins and asked how the appeal process for a Zoning Administrator item works. Jennifer Le, Assistant Director of Development Services, explained that the Zoning Administrator Decision can be appealed by any member of the public and how the appeal process works.

Commissioner Colbert welcomed Commissioner Perkins and thanked the Segerstrom family for an amazing Christmas tree lighting ceremony.

Vice Chair Harlan welcomed Commissioner Perkins and spoke in support of continuing Public Hearing Item No. 2.

Chair de Arakal welcomed Commissioner Perkins.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 19-15 FOR EF EDUCATION FIRST, AN INTERNATIONAL ENGLISH LANGUAGE SCHOOL, AT 3150 BEAR STREET

Project Description: Planning Application 19-15 is a request for a:

- Conditional Use Permit to allow a post-secondary school, EF Education First international language school, including classrooms and student dormitories at 3150 Bear Street;
- Minor Conditional Use Permits for outdoor recreational uses and to deviate from parking requirements due to unique operating characteristic;
- Variances from height, front setback, and landscape setback requirements; and
- A Minor Modification for a reduced rear setback.

Environmental Determination: An Initial Study/Mitigated Negative Declaration (IS/MND) has been prepared in accordance with the California Environmental Quality Act (CEQA). In accordance with CEQA Guidelines Section 15073, the IS/MND was made available for a 20-day public comment period beginning on October 15, 2019 and ending on November 5, 2019. The IS/MND evaluates the potential environmental effects of the proposed project and concludes that impacts would be reduced to a less-than-significant level with the incorporation of mitigation measures in the areas of biological resources, cultural resources, geology, and tribal cultural resources.

Seven ex-parte communications to report: Commissioner Colbert met with the applicant's representative, Shawna Marino, on October 29 and another staff member from EF; Commissioner Perkins met with Shawna Marino of EF, had a site visit, had a conversation with Mayor Foley about the project, and had a discussion with a couple of the neighbors (Tina and John) who live nearby; Commissioner Russell had two phone calls with the applicant; Commissioner Zich met with the applicant a couple of times on-site over the last number of months; Vice Chair Harlan met with the applicant last year and toured the site; Chair de Arakal toured the site with the applicant and had a meeting with the applicant to discuss the design of the project a couple months ago; and Commissioner Tourje met with the Shawna Marino of EF and with Commissioner Zich a couple months ago and had communications with neighbors about the project.

Daniel Inloes, Economic Development Administrator, presented the staff report.

Discussion ensued on the plans for the Bear Street bicycle infrastructure; what a HAWK crossing is; whether the HAWK signal would be visible for south bound traffic coming over the bridge; whether installing a stairway to South Coast Metro at the north western edge of the project site would be possible; where the proposed bike lanes on Bear Street would end and what kind of bike lanes they would be; the floor area ratio; students that would be allowed to use a vehicle; the agreement between OCTA and the applicant that students will be required to purchase public transportation passes upon enrollment; justifications for the space; adequate bicycle parking at surrounding destinations; additional economic analysis; property taxes; the fire prevention cost to the City; how the AP (Administrative Professional) zone for the property came about and the process to change the zone to more suitable zoning designations like Limited Commercial or Planned Development Commercial; whether a zone change by itself triggers Measure Y; what would trigger Measure Y on a project; the easement agreement to remove a curb and where the landscape would or would not occur; what would need to happen to warrant a traffic signal; reason behind the location of the

potential crosswalk; and safety concerns from the Transportation division that a left turn out of the site is not advisable.

Chair de Arakal stated concerns with the left turn out of the project site onto Bear Street and suggested putting in some type of warning system to help cars know to slow down.

Discussion ensued on the ADA requirement for constructing a staircase for access to Bear Street; how Condition of Approval No. 10 addresses concerns when a new owner takes over the property and wants to change the use; what happens if the agreement is not met between the applicant and OCSD with the eleven parking spaces in the easement and how that would affect the parking; that 2.94 is the correct number for the ADT/KSF; how the 102 parking spaces for the project was calculated; what the plan is to monitor so no on-street parking will occur; and where the term of fifteen years came from to address potential infrastructure or services needed over time; and what type of projects can the money from the infrastructure agreement be used for.

PUBLIC COMMENTS

Shawna Marino, representing the applicant, presented slides on their extensive public outreach process; community involvement; open public meetings that occurred; who Education First is, what they do and what their mission is; when their first school operated; their San Diego location; why the Costa Mesa location was chosen; the utility lines and easements; proposed site plan; design; interior campus courtyard; student recreation area; entrance; parking and active transportation plan; Bear Street signalized pedestrian crosswalk; OCTA transit system near the project site; proposed EF shuttle bus route and schedule; community outreach; EF's response to community feedback; EF Community Standards Agreement; campus safety; fiscal and economic benefits; and thanked Commissioners, City staff, and community.

Chair de Arakal thanked Ms. Marino for the extent of community outreach they did and for listening and responding to the community.

Chair de Arakal asked Ms. Marino if she has read the conditions of approval and agreed to them. Ms. Marino responded yes.

Discussion ensued regarding how the students choose to live with a host family; what the host family model is; what public events will occur onsite; that the project will be built at once; the campus will be open at once; when recruitment for host families will occur; and how the US Census and the State sees this type of use as group quarters and no park fee is assessed for this type of use.

Commissioner Colbert asked Ms. Marino whether she would be okay with a condition of approval to have a 10 PM curfew every day for onsite outdoor recreation and to add a condition of approval that third party competitive sports or organized events will not occur onsite. Ms. Marino agreed to adding both conditions.

Discussion ensued regarding Condition of Approval No. 19 stating no amplified sound will be permitted outdoors; Ms. Marino stated she would be okay with designated parking spaces for employees, students, guests, and visitors; questions about rideshare data; when the shuttle service for students would start; information regarding Police and Fire/medical calls for the San Diego location; location of where the shuttle will park; the most recent discussion

with OCSD about the easement; travel route of the trash trucks and the hours of operation; the food delivery location will be on the west side of the property; that the signage is included in the height deviation; that a noise and air quality study was conducted and it found no impact to the adjacent properties; shade and shadow study was conducted and minimum impact was identified; that this would be an alcohol and drug free campus and smoking would only be located in one area; where will the bikes for the students come from; whether doing a zone change for the property or a general plan amendment or planned development was considered; and that everyone that comes onto the campus will be required to have an ID and where the Uber/Lyft pick-up/drop-off area would be located.

Commission called for a break 8:45 PM.

Commission reconvened at 8:56 PM.

Flo Martin, Costa Mesa resident, spoke on Bear Street needing wider sidewalks, having protected bike lines in both directions, and lowering the speed limit.

Jay Humphrey, Costa Mesa resident, spoke in support of the project and what it will bring to the City.

Cynthia McDonald, Costa Mesa resident (Chair of Bikeway and Walkability Committee), spoke in support of the project's fit for the neighborhood; on the opportunity of installing a protected bike lane along Bear Street if the Bear Street bridge is widened; the need for safety improvements on Bear Street where it intercepts with the SR-73 Freeway; on a commercial bike share program; EF's services and infrastructure contribution; and the building design.

Claudia Johner, Costa Mesa resident, stated that her backyard does share a wall with the project and stated concerns with safety, noise, privacy, and traffic.

Ambika Hanna, Costa Mesa resident, spoke in support of the project.

James Cowell, Costa Mesa resident, spoke in support of the project and the visit he took to the San Diego location.

Ralph Taboada, Costa Mesa resident (member of the Bikeway and Walkability Committee), spoke on the improvements needed for the bikeway and walkability around the location.

A speaker spoke on moving the location of the shuttle/ride share pick up and drop off location to outside the gate and to reduce the curfew time for recreation activity.

Vicki Cowell, Costa Mesa resident, spoke in support of the project and the visit she took to the San Diego location.

A speaker stated concerns with the potential risk the proposed use would pose to the community.

A speaker spoke in support of this project.

George Burge, Costa Mesa resident, spoke in support of this project.

A speaker spoke about incidents that occurred at the EF Redondo Beach location and asked that priority be given to the needs of Costa Mesa citizens.

A speaker spoke regarding correspondence she provided about this project.

The Chair closed the public comment portion of the hearing.

Justin Schlaefli, the applicant's traffic engineer from Urban Systems, worked on the transportation analysis at the San Diego location and explained how he used the information from other EF campuses and projected it to the traffic impacts for the Costa Mesa location.

Discussion ensued regarding the shuttle bus service; how the rules of the EF Community Standards Agreement will be guaranteed to be followed; whether complaints on street parking in residential neighborhoods have occurred at any EF locations; average stay of a student; subsequent studies done on average daily trips after the schools were up and running; the reasons behind closing the Redondo Beach location; and whether any kind of permits were required for the San Diego and Pasadena locations.

Chair de Arakal stated concerns with EF's services and infrastructure contribution entitlement and the impact of the school on City services.

Discussion ensued on the services and infrastructure contribution by the applicant; there will be no pedestrian gate between Olympic Avenue and the EF campus; the number of students biking to campus; the applicant indicated it is okay with having a condition of approval that sufficient bike parking will be provided; the applicant is okay with adding a condition of approval to work with City staff to create a bike and pedestrian access plan; whether there is sufficient facility space; whether there is sufficient study space; lighting at Shiffer Park; how the public comments about the infrastructure along Bear Street will be addressed; the applicant agreed to add "biking and walking" to Condition of Approval No. 34; EF's Infrastructure Improvement Agreement that will be heard by the City Council; and on staff's methodology behind the services and infrastructure contribution agreement and the applicant's required contribution make.

Tristan Allen, the applicant's traffic engineers from LLG, and Justin Schlaefli explained why the analysis included trip rates with commuter students who have no cars.

Jason Schlaefli explained their expulsion policy.

Discussion ensued regarding how the applicant would characterize the residential component of the project and what the money will be used for from the services and infrastructure contribution.

Will Scholt from Kosmont Companies explained the methodology behind the comparison with the Fiscal Impact Analysis estimated cost for calls of service and amount of services.

Ms. Marino provided closing comments.

The Chair closed the public hearing.

MOTION: Move that the Planning Commission adopt the Initial Study/Mitigated Negative Declaration (IS/MND) for the project including the Mitigation Monitoring and

Reporting Program; and approve Planning Application 19-15, subject to conditions of approval, project design features, and mitigation measures.

Moved by Commissioner Zich, seconded by Commissioner Perkins.

Commissioner Colbert asked to include in the motion:

- a condition that all activities scheduled are scheduled to conclude by 10 PM on Sunday through Monday; that no activities, competitive organized events, on the volleyball court, basketball court, or multipurpose field occur on the site;
- a condition that no motorized bikes or scooters would be allowed on the campus site;
- add the language from PDF-16 "Students are not permitted to drive or have cars while attending the school. Exceptions for health and safety reasons are permitted, but if exceptions increase ADT above 455 ADT, the School must identify alternative means to decrease trips until the average daily trips are below this threshold" to Condition of Approval No. 7;
- a condition about prohibition of parking in residential communities by students; and
- a condition to add 70 bike stalls on site

Commissioner Perkins asked to include in the motion:

- add to Condition of Approval No. 34 "walking and biking" after public transit; and
- add a condition that prior to issuance of the new building permit, applicant shall coordinate with the planning division and obtain a bicycle and pedestrian access plan from the Development Services Director or designee. The applicant shall insure that bicycle parking onsite is sufficient for the number of bicycle users. The plan shall provide a sufficient number of bike racks or other bicycle parking facilities for the proposed number of student commuters and ensure there is a safe path of travel onto and around the site.

Chair de Arakal asked to include in the motion:

- amend Condition of Approval No. 6 to include that the City at any time may request a traffic count which the City will conduct at the applicant's cost; and
- amend Condition of Approval No. 9 to say first grading permit not first building or grading permit.

Discussion ensued about changing Condition of Approval No. 37 to require a sliding gate off Olympic Avenue and the letter from the Sanitation District requesting one.

Commissioner Zich stated that he accepts to include in his motion the 10 PM curfew modification; specificity of the number of bike stalls provided in the project that the applicant agreed to; that no external organized competitive league events occur on site; and modify Condition of Approval No.9 to say first grading permit not first building or grading permit.

Mr. Curtis suggested that Condition of Approval No. 9A state "grading permit or building permit which ever come first". Commissioner Zich and Commissioner Perkins agreed to that suggested change.

Commissioner Perkins stated he is in agreement to all of Commissioner's Zich suggested additions to the motion but would like to also include the condition he suggested about the applicant having to obtain a bicycle and pedestrian access plan from the Development Services Director or designee and add to Condition of Approval No. 34 "walking and biking"

after public transit.

Commissioner Zich accepted Commissioner Perkins' additions to the conditions.

Mr. Inloes asked whether: 1) the condition suggested by Commissioner Colbert about no motorized scooters on site; 2) the addition of the verbiage from the Mitigation Monitoring and Report Program PDF-16 to Condition of Approval No. 7; and 3) the prohibition of parking in residential communities by students were included in Commissioner Zich's motion. Commissioner Zich accepted the addition of all three of these items to his motion.

Discussion ensued regarding whether the condition for no motorized scooters in the motion included motorized bicycles.

Commissioner Perkins agreed to add the three conditions suggested by Commission Colbert to the motion.

Below are the conditions of approval that were modified by the Commission:

Condition of Approval No. 7: Prior to issuance of the first building permit final/certificate of occupancy, the applicant shall provide to the City copies of materials provided to host families prohibiting them from driving their guest students to campus with only exceptions for health and safety reasons being permitted.

Condition of Approval No. 9: As a condition precedent to each and every Discretionary Approval granted to the Project by this resolution, an agreement between EF and the City of Costa Mesa (the "Parties") in a form acceptable to the City Attorney shall first be executed by the Parties. This agreement shall include, but shall not be limited to, the following substantive provisions:

- A. Prior to issuance of the first building or grading permit, whichever comes first, for work on the project site, EF Education First shall provide \$300,000 to the City of Costa Mesa for infrastructure and services improvements and enhancements in the vicinity of the project site including, but not limited to, a High-Intensity Activated crosswalk beacon (HAWK) at the pedestrian crossing point on Bear Street between 3150 Bear Street and Shiffer Park;
- B. Following the issuance of the first building permit final/certificate of occupancy, EF shall provide an additional \$100,000 to the City of Costa Mesa every year for 15 years for infrastructure and services improvements and enhancements in the vicinity of the project site; and
- C. The obligations of the agreement shall be secured by a promissory note and deed of trust in favor of the City against the real property located at 3150 Bear Street, or by such other form of security sufficient to secure the obligations thereof as agreed to by the parties thereto.

Condition of Approval No. 15: Activities not occurring underroof shall be limited to the areas identified on the plans as pedestrian concrete paving, decomposed granite surfacing, lawn, volleyball court, basketball court, pool, and pool deck paving. Areas within the landscaping setbacks or used for parking, and vehicular circulation shall not be used for outdoor activities. No outdoor activities will occur after 10 PM.

Condition of Approval No. 34: The applicant shall provide an annual report, upon request from the Planning Division, to the Director of Development Services, which shall include but

not limited to, information on minimum, maximum and average student enrollment, number of onsite student residents; number of students living off-site with host families; confirmation that all host families are located within 45-minutes of the campus using public transit, walking, or biking; and a self-certification that all operational conditions of approval are being adhered to. Prior to building permit final/certificate of occupancy, the applicant and the Director of Development Services shall agree to a template for the annual report. No more than one report will be requested annually.

Below are the conditions of approval added by the Commission:

Condition of Approval No. 38: Third-party competitive sports or league programs are prohibited onsite.

Condition of Approval No. 39: No motorized scooters will be permitted onsite.

Condition of Approval No. 40: No student vehicle parking is allowed on residential streets. All parking for this use shall be onsite.

Condition of Approval No. 41: The project shall provide at least 70 bike racks onsite.

Condition of Approval No. 42: Prior to issuance of the first new building permit, the applicant shall coordinate with the Planning Division and obtain approval of a Bicycle and Pedestrian Access Plan from the Development Service Director, or designee. The applicant shall ensure that bicycle parking onsite is sufficient for the number of bicycle users. The Plan shall provide a sufficient number of bike racks or other bicycle parking facilities for the proposed number of student commuters and ensure that there is a safe path of travel onto and around the site.

Commissioner Tourje, Commissioner Colbert, Commissioner Perkins, Commissioner Russell, Vice Chair Harlan, and Chair de Arakal provided comments.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Colbert, Perkins, Russell, Tourje, Zich
Noes: None
Absent: None
Abstain: None

RESOLUTION PC-19-50 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 19-15 FOR EF EDUCATION FIRST: AN INTERNATIONAL ENGLISH LANGUAGE SCHOOL AT 3150 BEAR STREET

The Chair explained the appeal process.

DEPARTMENTAL REPORT(S)

1. Public Services Report – Mr. Sethuraman acknowledged that this will be Mr. Mejia's last Planning Commission meeting because he will be retiring and thanked him for his service.
2. Development Services Report – Mr. Curtis thanked Mr. Mejia for his service.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – Mr. Preziosi thanked Mr. Mejia for his service.

ADJOURNMENT AT 11:28 PM

Submitted by:



BARRY CURTIS, SECRETARY
COSTA MESA PLANNING COMMISSION