

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

October 12, 2020

CALL TO ORDER

The Chair called the Zoom webinar meeting to order at 6 PM.

PLEDGE OF ALLEGIANCE TO THE FLAG

Chair de Arakal led the Pledge of Allegiance.

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

Officials Present: Acting Director of Economic and Development Services Jennifer Le, Assistant City Attorney Tarquin Preziosi, Public Services Director Raja Sethuraman, Interim City Engineer Bart Mejia, Transportation Manager Jennifer Rosales, Associate Planner Nancy Huynh, Assistant Planner Chris Yeager, Contract Planner Michelle Halligan, City Clerk Brenda Green, and Recording Secretary Julie Colgan

ANNOUNCEMENTS AND PRESENTATIONS:

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

PUBLIC COMMENTS:

No public comments.

COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Colbert recognized Indigenous Peoples' day.

Commissioner Perkins spoke on voting in our next election and mitigating the spread of COVID-19.

Commissioner Tourje spoke on voting in our next election and Indigenous Peoples' day.

Commissioner Russell spoke on Indigenous Peoples' day.

Vice Chair Harlan thanked everyone involved in Love Costa Mesa Day on October 3.

Chair de Arakal spoke on mitigating the spread of COVID-19; supporting local businesses during the pandemic; and thanked Commissioner Tourje for chairing the last meeting.

CONSENT CALENDAR:

None.

PUBLIC HEARINGS

1. PLANNING APPLICATION 20-11 TO ALLOW THE REPLACEMENT OF ONE GASOLINE DISPENSER WITH TWO HYDROGEN DISPENSERS AND RELATED EQUIPMENT INCLUDING A 40-FOOT-TALL VENT STACK AT AN EXISTING GASOLINE STATION AT 2995 BRISTOL STREET

Project Description: Planning Application 20-11 is a request for a Conditional Use Permit for the replacement of one gasoline fuel dispenser with two hydrogen fuel dispensers and related equipment at an existing fueling station and a variance to allow a 40-foot-tall, approximately six-inch in diameter vent stack on the property. The proposed vent stack would serve the proposed hydrogen fuel dispensers at the existing gas station.

Environmental Determination: An Initial Study/Mitigated Negative Declaration (IS/MND) was prepared by the City in accordance with the California Environmental Quality Act (CEQA). The IS/MND finds that the environmental effects of the proposed project would be less than significant with the incorporation of a mitigation measure in the area of Tribal Cultural Resources, standard conditions of approval, and code compliance. The project site is on a list pursuant to Government Code Section 65962.5 pertaining to hazardous waste sites. The Planning Commission will consider adoption of the IS/MND at this hearing.

Ms. Colgan stated that two public comments have been received and were Attachment 5 of the staff report.

Three ex-parte communications to report: Commissioner Tourje exchanged emails with the applicant; Commissioner Perkins exchanged a couple of emails with the applicant; and Commissioner Russell spoke by phone with the applicant this morning.

Michelle Halligan, Contract Planner, presented the staff report.

Discussion with Commission and staff ensued on whether another hydrogen fuel dispenser application required a variance; staff's justification for special circumstances with this application; and different vent stack height at the other hydrogen fuel location versus the proposed site.

PUBLIC COMMENT

Applicants: Dr. Shane Stephens FirstElement Fuel and Ghessan Sleiman Chief Operating Officer of FirstElement Fuel.

Dr. Stephens stated that he has read the staff report and conditions of approval and agrees to them. He explained what his company does and the success of the first station they did in the City.

Discussion with Commission and applicants ensued on the reason for different vent stack heights; how people know the location of the hydrogen fuel stations; what kind of incentives there are for providing liquid hydrogen fuel service; color of the vent stack; that the vent stack is free standing; reason to do liquid hydrogen storage instead of gaseous; what is unique

about the property that requires a variance for vent stack; traffic impact; reason for choosing this site and the location of vent stack on the site; what happens when the fuel needs to be vented; what would happen if the hydrogen gas ignites; how the underground infrastructure works; underground pipe material; storage capacity of the liquid hydrogen fuel gas; how the hydrogen storage facility is secured; and that this application would still need to come before the Planning Commission if it did not need a variance for the vent stack.

The Chair opened the public comments.

No public comments.

The Chair closed the public comments.

Dr. Stephens provided closing comments.

Discussion with Commission and staff ensued on whether hydrogen fuel dispenser applications would always require a variance request and whether a different entitlement could be requested for hydrogen fuel dispensers.

The Chair closed the public hearing.

MOVED/SECOND: de Arakal/Tourje
MOTION: Move's staff recommendation.

The motion carried by the following roll call vote:
Ayes: de Arakal, Harlan, Colbert, Perkins, Russell, Tourje, Zich
Nays: None
Absent: None
Recused: None
Motion carried: 7-0

ACTION: Planning Commission adopted a Resolution to:

1. Adopt the Initial Study/Mitigated Negative Declaration (IS/MND) for the project including the Mitigation Monitoring and Reporting Program; and
2. Approve Planning Application 20-11, subject to conditions of approval and mitigation measures.

RESOLUTION PC-2020-24 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING PLANNING APPLICATION 20-11 TO ALLOW THE REPLACEMENT OF ONE GASOLINE DISPENSER WITH TWO HYDROGEN DISPENSERS AND RELATED EQUIPMENT INCLUDING A 40-FOOT-TALL VENT STACK AT AN EXISTING GASOLINE STATION AT 2995 BRISTOL STREET

The Chair explained the appeal process.

2. **ZONING APPLICATION 20-17 FOR A PLANNED SIGNING PROGRAM FOR RANDY'S DONUTS AT 2930 HARBOR BOULEVARD**

Project Description: Zoning Application 20-17 is a request for a Planned Signing Program for Randy's Donuts, proposed at 2930 Harbor Boulevard. One 23-foot high, approximately 177-square-foot freestanding sign in the shape of a donut is proposed at the front of the property (12-foot-high, 89-square-foot freestanding sign is permitted by right), as well as one illuminated wall sign mounted above the entrance to the restaurant and one freestanding directional sign at the driveway entrance, for a total of approximately 218 square feet of total sign area proposed (approximately 178-square-foot total sign area is permitted by right).

Environmental Determination: The project is exempt from the provisions of CEQA per CEQA Guidelines Section 15311 (Class 11), Accessory Structures.

Ms. Colgan stated that no public comments have been received.

Commissioner Perkins recused himself at 6:59 PM due to the project site's location within 1,000 feet of his residence.

No ex-parte communications to report.

Chris Yeager, Assistant Planner, presented the staff report.

Discussion with Commission and staff ensued on that this application required a Planned Signing Program since it did not meet the City's Zoning code requirements; whether decisions made on discretionary reviews give a precedent to future Planned Signing Program applications; every application must stand on its own merits; notices were sent to property owners within 500 feet of the location; the height of the sign and whether a smaller sign height was explored; setback requirements for a post and signage for a business; whether other sign alternatives similar to the applicant's other locations were considered; whether a monument sign was possible instead; and whether the palm trees will be removed.

The Chair opened the public hearing.

PUBLIC COMMENT

Kevin McConnell, applicant, stated that he has read the staff report and agrees to the conditions.

Mark Kelegian, owner of Randy's Donuts, spoke on the other Randy's Donuts location signage; on the proposed location; design of the sign; and other signs in the surrounding neighborhood.

Discussion with Commission and applicants ensued on why the sign was not proposed on the roof; other applications with similar sign design in a landscape area; and problems with sign vandalism.

The Chair opened up the public comments.

No public comments.

The Chair closed the public comment portion of the hearing.

The applicants provided closing comments.

Discussion with Commission and staff ensued on the reason the sign was not located on top of the building; how the applicant's donut shaped signs were allowed at the Inglewood and Downey locations; and what specifically the 2011 Sign Ordinance changed.

The Chair closed the public hearing.

MOVED/SECOND: Russell/de Arakal
MOTION: Move staff's recommendation.

Commissioner Colbert stated concerns with the application and with the sign.

Commissioner Tourje stated concerns with the proposed sign and what the city sign code allows. Commissioner Zich stated concerns with the sign location; spoke on the positive impact the application will have on the City; on the compatibility of the use for the area; and that he will be supporting the motion.

Vice Chair Harlan and staff discussed whether the applicant could request allowing the donut shaped sign on the building roof. Vice Chair Harlan stated that he would be more supportive of having the donut sign on the building roof and would like to see this as an option.

Ms. Le asked for a short recess to check the municipal code to see if having the donut sign on the building roof is an option and explained staff's reasoning for recommending that the sign be on the ground.

Commission took a break at 7:52 PM.

Commission reconvened at 8:01 PM.

Chair de Arakal and Ms. Green discussed calling for a vote to re-open the public hearing.

MOVED/SECOND: de Arakal/Zich
MOTION: Re-open the public hearing on this item.

The motion carried by the following roll call vote:
Ayes: de Arakal, Harlan, Colbert, Russell, Tourje, Zich
Nays: None
Absent: None
Recused: Perkins
Motion carried: 6-0

Ms. Le reported on the sign code requirements for height; that a sign that does not conform to the standards in the code can be processed as a Planned Sign Program; and that the donut shaped sign as a roof mounted sign can be processed with a Planned Sign Program.

Discussion with Commission and applicants ensued on the size of a roof mounted donut shaped sign; the timing for store opening with the current proposed sign location; how long the process would require for a roof mounted sign; and whether the applicant is in agreement to go through the process to change the location of the sign.

Commissioner Zich provided comments on continuing the item if the applicant is open to it and exploring the option of a roof mounted donut sign.

Vice Chair Harlan provided comments on continuing the item and allowing the applicant to explore options.

Mr. Kelegian asked what date the item would be continued to and on the size of the roof mounted sign that Commissioner Zich mentioned.

Ms. Le stated that the item would be continued to the November 23 meeting.

Chair de Arakal asked the applicant if they preferred a decision tonight or a continuance.

Mr. Kelegian and Mr. McConnell discussed how long it would take to build the roof mounted donut shaped sign.

Mr. Kelegian and staff discussed whether the option of a roof mounted sign could be considered after the proposed application is approved tonight.

Ms. Le asked Mr. Preziosi whether the applicant could apply for a modified entitlement without risking the approved application by the Commission after the decision became final when the appeal period took its course.

Mr. Preziosi responded that the proper way would be to grant the approval subject to expressly allowing the applicant to bring a modification back within a period of time.

The Chair closed the public hearing.

Vice Chair Harlan offered an amendment to the motion that the approval would be subject to potential modification by the applicant within sixty days.

Commissioner Russell agreed to the amendment.

Mr. Preziosi and Chair de Arakal discussed that the amendment includes that the modification would come back to the Commission.

Chair de Arakal agreed to the amendment.

Chair de Arakal spoke in support of the motion and the benefits it will bring to the City.

Vice Chair Harlan spoke in support of the motion; in support of having the business in the City; and the value of having the sign on the roof if it is possible.

The motion carried by the following roll call vote:
Ayes: de Arakal, Harlan, Colbert, Russell, Tourje, Zich
Nays: None
Absent: None
Recused: Perkins
Motion carried: 6-0

ACTION: Planning Commission adopt a Resolution to:

1. Find that the project is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15311 (Accessory Structures); and
2. Approve Zoning Application 20-17, subject to conditions of approval with an added condition by the Commission.

NEW CONDITION:

Condition of Approval No. 9: At the applicant's discretion, the planned signing program may be modified within 60 days of the final approval to incorporate an alternative design for the proposed freestanding sign (incorporating a roof mounted sign instead). The modification, if proposed, shall be submitted to the Planning Commission for review.

RESOLUTION PC-2020-25 - A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA APPROVING ZONING APPLICATION 20-17 FOR A PLANNED SIGNING PROGRAM FOR RANDY'S DONUTS AT 2930 HARBOR BOULEVARD

The Chair explained the appeal process.

Commissioner Perkins returned to the meeting at 8:29 PM.

3. **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA, CALIFORNIA RECOMMENDING THAT THE CITY COUNCIL ADOPT THE TRANSPORTATION IMPACT ANALYSIS (TIA) GUIDELINES AND GIVE FIRST READING TO AN ORDINANCE (CODE AMENDMENT CO-20-05) AMENDING CHAPTER XII, ARTICLE 3, SECTION 13-275 OF TITLE 13 OF THE COSTA MESA MUNICIPAL CODE REGARDING TRANSPORTATION IMPACT ANALYSIS OF THE DEVELOPMENT PROJECT REVIEW PROCEDURES**

Project Description: Code Amendment CO-2020-05 is a request to amend portions of Title 13 of the Costa Mesa Municipal Code (Planning, Zoning, and Development) to be consistent with proposed Transportation Impact Analysis Guidelines and to comply with State law (Senate Bill 743) regarding the use of vehicle miles traveled as the metric for evaluating traffic impacts in CEQA compliance documents. The proposed Code Amendment includes revisions to Chapter XII, Article 3: Section 13-275, Development project review procedures. Staff is also proposing the adoption of Transportation Impact Analysis Guidelines by Resolution.

Environmental Determination: The proposal is exempt from the provisions of the CEQA per CEQA Guidelines Section 15308 (Class 8), Actions by Regulatory Agencies for Protection of the Environment. The proposal is also exempt from the provisions of CEQA per CEQA Guidelines Section 15061(b)(3) (General Rule).

Ms. Colgan stated that one public comment has been provided to the Commission and made a part of the record.

Nancy Huynh, Associate Planner, presented the staff report.

The Chair opened the Public Hearing.

PUBLIC COMMENT

City Consultants: Steve Brown, Fehr & Peers (presented and answered questions) and Delia Votsch, Fehr & Peers (present)

Discussion with Commission, staff, and Mr. Brown ensued on staff's motivation to reduce the number of trips triggering a full traffic study under the non-CEQA analysis guidelines from 100 to 50 trips; why affordable housing is missing from the screening types and TIA guidelines; what the distinction is between the per capita metric and the service population metric; why the City chose the service population metric; how the assessment for cumulative impacts would be determined for a project's VMT; whether a VMT baseline has been established for the City; that nothing in Costa Mesa's approach is inconsistent with OPR's recommendations; what is VMT in the context of a development; whether per capita would ever be used; what other VMT metrics Fehrs & Peers has recommended for other jurisdictions; how a mixed use project would be analyzed from a VMT standpoint; mixed land uses when analyzing the VMT should be evaluated in its totality; concerns the City will be triggering significant impacts under VMT based on a method that OPR does not recommend; the reason behind bringing this item to the City Council; why the shift away from using LOS and using VMT instead; when VMT analysis and level of service analysis would be required on a project and the purpose of the analysis; the role of a Planning Commissioner in the VMT analysis; any cities that use only a VMT analysis; the purpose of VMT analysis is to identify transportation contribution to greenhouse gas emissions; transportation demand management measures and does anyone follow up to make sure they are implemented; how long has the City used the LOS metric to evaluate traffic impacts of proposed development projects; LOS study cost; VMT traffic study cost; when looking at impacts, AM and PM peak hours would be used; what the different LOS grades represent; the City's existing target LOS for bicyclists; whether a project under the new guidelines would be required to look at the impacts on bicyclists, pedestrians, users with assistance devices or users of transit; concerns that there is not a quantification of the impact of projects on the bicycle and pedestrian infrastructure around projects; how VMT and LOS align; balancing the needs of those in cars and those outside of cars; what Senate Bill 743 and the proposed ordinance is promoting; any projects that have come before the City that used VMT besides One Metro West; that this item is before the Commission to put a consistent methodology through the transportation impact analysis guidelines in place for the City to follow; when the CEQA methodology would apply when looking at region- wide impacts on a project; how the objectives of SB 743 would promote infill development; whether a commercial project in a mainly residential area would be exempt from VMT; conditions of approval would be reviewed at staff level in the transportation demand management program (Attachment 2 handwritten page 12); and that there needs to be a connection between this item and affordable housing/RHNA.

The Chair opened the public comment portion of the hearing.

No public comment.

The Chair closed public comment.

Discussion with Commission and staff ensued on why the City is choosing service population versus per capita.

The Chair closed the public hearing.

MOVED/SECOND: Perkins/de Arakal for discussion

MOTION: Move that the Planning Commission delay this item to date uncertain and request that the consultant and City staff work on a proposal that would address the concerns the Planning Commission has raised potentially at least altering the LOS analysis section to include more consideration and potential quantitative metrics for bicycle, pedestrian, transit use etc. but also consider removing LOS altogether and what the impacts of that would be.

Commissioner Zich stated that he is not opposed to spending more time working on an item and deferred to staff on the legal question of delaying the item.

Commissioner Tourje spoke in support of looking into the item more.

Commissioner Colbert asked what the impact would be on the City to remove LOS. Mr. Sethuraman responded that there would be General Plan amendments to consider and staff would have to look into the impacts to Measure Y since it has an LOS criteria as one of its elements.

Ms. Le recommended that the City as a local agency adopt some VMT methodology and suggested moving staff's recommendation forward to the City Council but include in the motion a recommendation to City Council that staff evaluate removing LOS altogether. She also explained that it would be a large effort since LOS is integrated into many of the City policies and planning documents.

Mr. Preziosi added to Ms. Le's statement by explaining that from a legal standpoint it is less than ideal to have a zoning standard that does not comply with state law, specifically SB 743. The goal of staff and his office is to get the Zoning code to comply as quickly as possible and that he concurs with Ms. Le's approach.

Commissioner Perkins spoke on his motion.

Commissioner Zich stating that he is not in support of eliminating LOS altogether and after hearing from staff, he proposed a substitute motion.

MOVED/SECOND: Zich/Russell

SUBSTITUTE MOTION: To accept the staff recommendation and in particular find that the adoption of the Resolution is exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15308 (Actions by Regulatory Agencies for Protection of the Environment) and the proposed Code Amendment is exempt per CEQA Guidelines Section 15061(b)(3), General Rule; and adopt the City's Transportation Impact Analysis (TIA) Guidelines by Resolution; and give first reading to an Ordinance for Code Amendment CO-20-05 amending Chapter XII, Article 3 (Transportation System Management), Section 13-275 of Title 13 of the Costa Mesa Municipal Code regarding transportation impact analysis of the development project review procedures; and make a recommendation to City Council that staff make recommendations as to how to better evaluate the impact of a project on pedestrian and bicycle transportation.

Chair de Arakal and Commissioner Perkins spoke in opposition of the substitute motion.

The motion failed by the following roll call vote:

Ayes: Russell, Zich
Nays: de Arakal, Harlan, Colbert, Perkins, Tourje
Absent: None
Recused: None
Motion failed: 2-5

Since the substitute motion failed, the original motion will be decided on.

MOVED/SECOND: Perkins/de Arakal for discussion

ORIGINAL MOTION: Move that the Planning Commission delay this item to date uncertain and request that the consultant and City staff work on a proposal to address the concerns the Planning Commission has raised during this hearing especially adding in more quantification and consideration of a threshold and metrics for non-motor vehicle LOS to be included in an LOS analysis and to look at the impacts of removing LOS altogether; and to include the discussion of lowering the threshold and including affordable housing into the screening criteria.

The Chair affirmed his seconding of the motion.

Commissioner Zich spoke in opposition of the motion.

Commissioner Colbert spoke in opposition of the motion.

The motion carried by the following roll call vote:

Ayes: de Arakal, Harlan, Perkins, Tourje,
Nays: Colbert, Russell, Zich
Absent: None
Recused: None
Motion carried: 4-3

ACTION: Move that the Planning Commission delay this item to a date uncertain and request that the consultant and City staff work on a proposal to address the concerns the Planning Commission has raised during this hearing especially adding in more quantification and consideration of a threshold and metrics for non-motor vehicle LOS to be included in an LOS analysis and to look at the impacts of removing LOS altogether and to include the discussion of lowering the threshold and including affordable housing into the screening criteria.

DEPARTMENTAL REPORT(S)

1. Public Services Report – none.
2. Development Services Report – Ms. Le reported on Housing Element outreach plan.

CITY ATTORNEY'S OFFICE REPORT(S)

1. City Attorney – none.

ADJOURNMENT AT 11:02 PM

Submitted by:



JENNIFER LE, SECRETARY
COSTA MESA PLANNING COMMISSION