

RESOLUTION NO. 14-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO UPHOLD THE PLANNING COMMISSION'S DECISION AND APPROVE ZONING APPLICATION PA-89-36 A2 / PA-87-133 A1 (ZA-13-22)**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Architectural Design & Signs, authorized agent for Arnel Property Development and Metro Pointe Retail Associates II, owner of real property located at 901 South Coast Drive and 950 South Coast Drive located in a Planned Development Commercial (PDC) zone;

WHEREAS, the request is for an amendment to an existing Planned Signing Program (PA-89-36) to replace three existing monument signs, replace an existing project identification sign, and install two new pylon signs with electronic changeable copy displays (LED reader boards), along the south side of the site facing the San Diego (405) Freeway, and fourteen temporary banners (2 feet, 6 inches wide by 10 feet in height each) mounted on 7 light poles on the property located at 901 South Coast Drive;

WHEREAS, the request is also for an amendment to an existing Planned Signing Program (PA-87-133) to allow a twelve-foot tall, illuminated directional sign on the property located within 200 feet of residentially zoned properties at 950 South Coast Drive;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 9, 2013 with all persons having the opportunity to speak and be heard for and against the proposal, and ZA-13-22 was approved by the Planning Commission on a 3-2 vote allowing the amendment to the Planned Sign Program with the exception of the fourteen banners;

WHEREAS, City Councilmember Genis filed an appeal of the Planning Commission's decision to approve the project on December 16, 2013;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the City Council hereby **UPHOLDS** the Planning Commission's approval of the project with the exception of the fourteen banners and **APPROVES** Zoning Application ZA-13-22.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Zoning Application ZA-13-22 and upon applicant's compliance with each and all of the conditions in Exhibit "B", and compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

**PASSED AND ADOPTED this 7th day of January, 2014.**

\_\_\_\_\_  
JIM RIGHEIMER  
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY CLERK OF THE  
CITY OF COSTA MESA

\_\_\_\_\_  
CITY ATTORNEY



**EXHIBIT "A"****FINDINGS (APPROVAL)**

1. The signs comply with Costa Mesa Municipal Code Section 13-29(e) because:
  - The signs are compatible and harmonious with uses that exist in the general neighborhood.
  - The signs comply with the intent of the applicable performance standards as prescribed in the Zoning Code.
  - The signs are consistent with the intent of the General Plan.
  - The cumulative effects of all planning applications have been considered.
  
2. The proposed signage conforms with the intent of the City's Sign Code as it pertains to Planned Signing Programs as well as the City's General Plan and Redevelopment Plan. The proposed signs are consistent with each other in design and construction, taking into account sign style and shape, materials, letter style, colors and illumination. The signs are compatible with the buildings and developments they identify, taking into account materials, colors, and design motif. Approval does not constitute a grant of special privilege and/or allow substantially greater visibility than what the standard sign provisions would allow. Specifically, the signs will not exceed the maximum amount of sign area allowed under the Planned Signing Program or the City's Zoning Code. The conditions of approval will minimize any adverse impacts of the proposed signs to vehicle traffic and surrounding properties, and will enable the retail center to attract and maintain regional retail tenants. The applicant has demonstrated that the LED reader board signs will not be visible from the residential properties across the freeway to the south. Additionally, the signs are consistent with the following General Plan goals:
  - Goal CD-1: Vehicular and Pedestrian Corridors: Strengthen the image of the City as experienced from sidewalks and roadways.
  - Goal CD-6, Image: Enhance opportunities for development to contribute to a positive visual image for the City of Costa Mesa.
  - Goal CD-13, Signs: Ensure that signs contribute positively to Costa Mesa's image and overall economic development.
  
3. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA under Section 15311 for Accessory Structures.
  
4. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL**

- Plng. 1. All newly installed signs shall be in conformance to the requirements and intent of this Planned Signing Program, as well as other applicable Codes and regulations. Any sign not meeting the specific criteria outlined in the planned signing program shall not be permitted.
2. The City's Sign Ordinance shall apply to signs not specifically covered by this Planned Signing Program.
3. Any modification, addition, or deletion to the approved Planned Signing Program shall be reviewed by the Zoning Administrator to determine if an amendment to the Planned Signing Program is necessary.
4. The Planned Signing Program may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, or if, in the reasonable opinion of the Development Services Director or his/her designee, any of the findings upon which the approval was based are no longer applicable.
5. The total site signage, including the LED signs, shall not exceed the total sign area allowed under the planned sign program (7,241 sq. ft. for the entire center).
6. The freeway-oriented pylon signs with the LED reader board screens shall comply with the following requirements:
- a. The pylon sign shall not exceed 53 feet in height, measured from the adjacent grade.
  - b. The display area shall be a maximum of 23 feet high by 18 feet wide.
  - c. The LED reader board screen shall be a maximum of nine feet high by 18 feet wide.
  - d. The display may not include any message that is in motion or appears to be in motion.
  - e. The display may not change the intensity of illumination.
  - f. The display may not change the message more than once every four seconds.
  - g. The LED reader board screen shall not exceed a maximum height of 30'-0" feet as measured from grade to the highest point on the screen.
  - h. The LED reader board screen shall not exceed 300 nits in luminance during the evening hours and shall perform as described in the lighting study prepared by the project consultant.
  - i. No flashing or animated displays or images on the LED reader board screen shall be permitted at any time.
  - j. The operating hours of the LED reader board screen shall be 7:00AM through 10:00PM, seven days a week. Beginning at 9:00PM, the LED reader board sign shall be gradually dimmed until it is completely turned off at 10:00PM. Outside these approved hours, the LED reader board screen shall be turned off.

- k. The LED reader board signs at the bottom panels of the pylon sign shall be shall be no larger than 9 feet high by 18 feet long and shall also be subject to the following:
  - l. The LED reader board signs shall not exceed 300 nits in luminance during the evening hours.
  - m. The advertising on the LED reader board signs shall consist of on-site advertising for tenants, movies, or activities within the Metro Pointe retail center and/or non-commercial, nonprofit and/or City-sponsored events.
  - n. As presented by the applicant, the words 'Costa Mesa' shall be included in the project identification signs.

**RESOLUTION NO. 14-**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA TO REVERSE THE PLANNING COMMISSION'S DECISION AND DENY ZONING APPLICATION PA-89-36 A2 / PA-87-133 A1 (ZA-13-22)**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Architectural Design & Signs, authorized agent for Arnel Property Development and Metro Pointe Retail Associates II, owner of real property located at 901 South Coast Drive and 950 South Coast Drive located in a Planned Development Commercial (PDC) zone;

WHEREAS, the request is for an amendment to an existing Planned Signing Program (PA-89-36) to replace three existing monument signs, replace an existing project identification sign, and install two new pylon signs and a new project identification sign on the parking structure facing the San Diego (405) Freeway on the property located at 901 South Coast Drive;

WHEREAS, the request is also for an amendment to an existing Planned Signing Program (PA-87-133) to allow a twelve-foot tall, illuminated directional sign on the property located within 200 feet of residentially zoned properties at 950 South Coast Drive;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on December 9, 2013 with all persons having the opportunity to speak and be heard for and against the proposal, and ZA-13-22 was approved by the Planning Commission on a 3-2 vote;

WHEREAS, City Councilmember Genis filed an appeal of the Planning Commission's decision to approve the project on December 16, 2013;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the City Council hereby **REVERSES** the Planning Commission's approval of the project and **DENIES** Zoning Application ZA-13-22.

**PASSED AND ADOPTED this 7th day of January, 2014.**

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JIM RIGHEIMER  
Mayor, City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

CITY CLERK OF THE  
CITY OF COSTA MESA

CITY ATTORNEY



## EXHIBIT "A"

### FINDINGS (DENIAL)

- A. The proposed signs do not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed signs are not compatible and harmonious with uses that exist in the general neighborhood.
  - The proposed signs do not comply with the intent of the applicable performance standards as prescribed in the Zoning Code.
  - The proposed signs are not consistent with the General Plan.
  - The cumulative effects of all planning applications have been considered.
- B. The proposed signs are not consistent with the intent of the City's Sign Code and the General Plan. The proposed signs are not consistent with each other in design and construction, taking into account sign style and shape, materials, letter style, colors and illumination. The proposed signs are not compatible with the buildings and developments they identify, taking into account materials, colors, and design motif. Approval would constitute a grant of special privilege and allow substantially greater visibility than what the standard sign provisions would allow.
- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-13-22. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a) CEQA does not apply to this project because it has been rejected and will not be carried out.
- D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.