



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: APRIL 12, 2010

VII.2  
ITEM NUMBER:

**SUBJECT: REVIEW OF ZONING APPLICATION ZA-10-07  
PLANNED SIGNING PROGRAM  
1000 SOUTH COAST DRIVE**

**DATE: APRIL 1, 2010**

**FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER  
714-754-5609 (RROBBINS@CI.COSTA-MESA.CA.US)**

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## **PROJECT DESCRIPTION**

Planning Commission review of ZA-10-07, a planned signing program to legalize six apartment flags in the public right-of-way for The Cape.

## **APPLICANT**

Fola Linebarger is representing the property owner, Arnel Management Company.

## **RECOMMENDATION**

Uphold, reverse, or modify the Zoning Administrator's decision.

REBECCA ROBBINS  
Assistant Planner

KHANH NGUYEN  
Acting Asst. Development Services Director

## BACKGROUND

The property is zoned Planned Development Residential – High Density (PDR-HD) and consists of a 296 unit apartment complex (The Cape). The property is surrounded by a public park to the north, single family residential properties to the west, commercial and single family residential properties to the east, and commercial properties and the I-405 freeway to the south.

On March 18, 2010, the Zoning Administrator approved ZA-10-07, consisting of a planned signing program to legalize six apartment flags within the public right-of-way. The basis of the Zoning Administrator's approval was that since the sidewalk meanders between both public and private property, placement of the flags behind the sidewalk, as typically occurs at other apartment projects, would place the flags further back than at a typical apartment complex. In addition, the total number of flags visible from South Coast Drive does not exceed the total number allowed by Code.

On March 22, 2010 Planning Commissioner Colin McCarthy requested review of ZA-10-07. A full description and discussion of the project is contained within the Zoning Administrator's approval letter, which is attached (Attachment 3).

## GENERAL PLAN CONSISTENCY

The planned signing program, as conditioned by the Zoning Administrator, meets General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.

## ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Uphold the Zoning Administrator's approval of the planned signing program. This would allow the planned signing program to be implemented.
2. Reverse the Zoning Administrator's approval of the planned signing program. The apartment flags in the public right-of-way would have to be removed and a similar request could not be submitted for six months.
3. Modify the Zoning Administrator's approval of the project. The number of flags and/or placement could be modified by the Planning Commission if deemed necessary.

## CONCLUSION

The Zoning Administrator determined that the intent of the Code is met since the signs allow comparable visibility to that permitted by Code. Therefore staff recommends that the Zoning Approval be upheld.

- Attachments:
1. Draft Planning Commission Resolutions
  2. Request for Review
  3. Zoning Administrator's letter of March 18, 2010
  4. Applicant's Letter
  5. Location Map
  6. Plans & Site Photos

cc: Development Svs. Director  
Senior Deputy City Attorney  
City Engineer  
Staff (4)  
File (2)

Fola Linebarger  
Arnel Management Company  
949 South Coast Drive, Suite 600  
Costa Mesa, CA 92626

File: 041210ZA1007Review	Date: 040110	Time: 10:00 a.m.
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## RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING ZONING  
APPLICATION ZA-10-07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Fola Linebarger, authorized agent for Arnel Management Company, with respect to the real property located at 1000 South Coast Drive, requesting a planned signing program to legalize six apartment flags within the public right-of-way in a PDR-HD zone; and

WHEREAS, the Zoning Administrator approved Planned Signing Program ZA-10-07 on March 18, 2010; and

WHEREAS, Planning Commissioner Colin McCarthy requested a review of ZA-10-07 on March 22, 2010; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 12, 2010.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the Planning Commission hereby upholds the Zoning Administrator's approval and **APPROVES** Zoning Application ZA-10-07 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission 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-10-07 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with 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 12<sup>th</sup> day of April, 2010.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, Khanh Nguyen, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on April 12, 2010, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

**EXHIBIT "A"**

**FINDINGS (If approved)**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(8) in that the proposed planned signing program ZA-10-07 is as follows:
  - a. The proposed amendment is consistent with the intent of the Sign Code and General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.
  - b. The proposed signs are consistent with other existing signage in design and construction – taking into account sign style and shape, materials, letter style, colors, and illumination.
  - c. The proposed signs are compatible with the buildings they identify – taking into account materials, colors, and design motif.
  - d. Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow because the site has a meandering sidewalk that affects where the flags can be placed.
- B. 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 under Section 15311, Existing Facilities, of CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"**

**CONDITIONS OF APPROVAL**

- Plng.
1. Planned Signing Program ZA-10-07 only permits a maximum of six flags within the public right-of-way along South Coast Drive, subject to the Public Services Department approval.
  2. 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 will not be permitted.
  3. Any modification, addition, or deletion to the approved planned signing program shall be reviewed by the Planning Division 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 opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.

**RESOLUTION NO. PC-10-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING ZA-10-07**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY  
RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Fola Linebarger, authorized agent for Arnel Management Company, with respect to the real property located at 1000 South Coast Drive, requesting a planned signing program to legalize six apartment flags within the public right-of-way in a PDR-HD zone; and

WHEREAS, the Zoning Administrator approved Planned Signing Program ZA-10-07 on March 18, 2010; and

WHEREAS, Planning Commissioner Colin McCarthy requested a review of ZA-10-07 on March 22, 2010; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 12, 2010.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby reverses the Zoning Administrator's decision and **DENIES** Zoning Application ZA-10-07 with respect to the property described above.

**PASSED AND ADOPTED this 12<sup>th</sup> day of April, 2010.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (If denied)**

- A. The planned signing program presented does not substantially comply with Costa Mesa Municipal Code Section 13-29(g)(8) in that:
1. The proposed signs are not consistent with the intent of the Sign Code.
  2. The proposed signs are not consistent with other existing signage in design and construction – taking into account sign style and shape, materials, letter style, colors, and illumination.
  3. The proposed signs are not compatible with the site and buildings they identify – taking into account materials, colors, and design motif.
  4. Approval would constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow.
- B. The Costa Mesa Planning Commission has denied ZA-10-07. 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.



City of Costa Mesa

- Appeal of Planning Commission Decision/Rehearing - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name\* \_\_\_\_\_

Address \_\_\_\_\_

Phone \_\_\_\_\_ Representing \_\_\_\_\_

REQUEST FOR:  REHEARING  APPEAL  REVIEW\*\*

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

2A 10-07 - 1000 South Coast Drive

Decision by: Zoning Administrator

Reasons for requesting appeal, rehearing, or review:

Lacks information. Need more details. Public opposition

Colin McCarthy

Colin McCarthy

Date: 3/22/10

Signature:

\*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.

\*\*Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member.

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:



# CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

March 18, 2010

Fola Linebarger  
 Arnel Management Company  
 949 South Coast Drive, Suite 600  
 Costa Mesa, CA 92626

**RE: PLANNED SIGNING PROGRAM ZA-10-07 TO ALLOW SIX APARTMENT  
 FLAGS WITHIN THE PUBLIC RIGHT-OF-WAY FOR THE CAPE  
 1000 SOUTH COAST DRIVE, COSTA MESA**

Dear Ms. Linebarger:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on March 25, 2010, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at 714-754-5609 or [rrobbins@ci.costa-mesa.ca.us](mailto:rrobbins@ci.costa-mesa.ca.us).

Sincerely,

WILLA BOUWENS-KILLEEN, AICP  
 Zoning Administrator

Attachments:      Project description  
                          Findings  
                          Conditions of approval  
                          Approved conceptual plans

cc:      Engineering  
          Fire Protection Analyst  
          Building Division

## **PROJECT DESCRIPTION**

- The property is zoned Planned Development Residential – High Density (PDR-HD) and consists of a 296 unit apartment complex. The property is surrounded by a public park to the north, single family residential properties to the west, commercial and single family residential properties to the east, and commercial properties and the I-405 freeway to the south.
- The applicant proposes to legalize apartment flags along South Coast Drive. A Planned Signing Program is required since six of the 13 existing flags are in the public right-of-way. The total number of existing flags for the apartment is less than what code allows (16 flags permitted; 13 flags existing).
- All apartment flags shall and do comply with the City's Sign Ordinance as follows:
  - Maximum of 15 square feet
  - Maximum of 18 feet in height
  - Maintained in good condition
- Because the sidewalk meanders between both public and private property, placement of the flags behind the sidewalk, as typically occurs at other apartment projects, would place the flags further back than at a typical apartment complex. Therefore, allowing the flags in the right-of-way would not allow substantially greater visibility than what the standard sign provisions would allow.
- Planned Signing Program ZA-10-07 allows only six flags to be in the public right-of-way, subject to the Public Services Department approval. All other signage shall comply with the City's Sign Ordinance.
- The proposed signage meets General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.

## **FINDINGS**

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(8) in that the proposed planned signing program ZA-10-07 is as follows:
- a. The proposed amendment is consistent with the intent of the Sign Code and General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.
  - b. The proposed signs are consistent with other existing signage in design and construction – taking into account sign style and shape, materials, letter style, colors, and illumination.
  - c. The proposed signs are compatible with the buildings they identify – taking into account materials, colors, and design motif.
  - d. Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow because the site has a meandering sidewalk that affects where the flags can be placed.

- B. 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 under Section 15311, Existing Facilities, of CEQA.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

### **CONDITIONS OF APPROVAL**

- Ping. 1. Planned Signing Program ZA-10-07 only permits a maximum of six flags within the public right-of-way along South Coast Drive, subject to the Public Services Department approval.
2. 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 will not be permitted.
3. Any modification, addition, or deletion to the approved planned signing program shall be reviewed by the Planning Division 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 opinion of the Development Services Director or his designee, any of the findings upon which the approval was based are no longer applicable.

### **CODE REQUIREMENTS**

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Ping. 1. The City's Sign Ordinance shall apply for all cases not specifically covered by this sign program.
2. The flags within the public right-of-way shall be removed within 30 days of the approval of this application if an Encroachment Permit from the Public Services Department is not obtained.
- Bus. 3. All contractors and subcontractors must have valid business licenses to do  
Lic. business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained.
- Eng. 4. An Encroachment Permit will be required by City of Costa Mesa, Engineering Division. Encroachment Permit fee must be collected prior to issuance of Encroachment Permit per Section 13-231 of the C.C.M.M.C.
5. The applicant shall provide the City with proof of general liability insurance including endorsements concerning "additional named insured", "advance notice", and "other insurance" as approved by the City.
6. The authority granted by an encroachment permit shall terminate upon written notice from the City of Costa Mesa that public improvements are to be

placed in the right-of-way within which the encroachment exists. The owner of the private improvements shall remove all such private improvements within thirty (30) days following receipt of such notice, or within such longer period as may be determined by the director of public services.

7. The Public Services Director or his or her designee shall set a hearing before the planning commission for revocation of the encroachment permit and/or pursue other legal remedies as may be deemed appropriate by the city attorney whenever the Public Services Director determines that either:
  - a. The permittee has failed to comply with one (1) or more of the conditions attached to the encroachment permit at the time of granting thereof;
  - b. Because of changed or unforeseen circumstances the findings necessary for approval of the encroachment permit can no longer be made.



Management Company

January 28, 2010

City of Costa Mesa  
 Development Services Department  
 77 Fair Drive  
 Costa Mesa, CA 92628

Attention: Kimberly Brandt, AICP/ Willa Bouwens-Killeen, AICP

Re: Planned Signing Program for **1000 South Coast Drive, Costa Mesa, CA 92626**

This office represents the owners and tenants of The Cape Apartments (296 apartment homes) located at 1000 South Coast Drive, Costa Mesa, CA 92626. This is a well established and pristine community located in the South Coast Metro region of Costa Mesa.

This letter follows our review of the required application for approval of all exterior flags/signs that are placed within what we were informed is the City's right of way. In an attempt to comply with the Costa Mesa Municipal Code, we are hereby applying for the Planned Signing Program to permit the continuance of our signage program, some of which are located in the City's right of way.

Our Signage program consists of flags/signs located in front of the property which are up at all times, as well as our starburst signs that are put up during the time allowed by the City (on weekends only). The property's sidewalk has a meandering layout which goes so far back towards the complex thereby hindering some visibility of the flags/signs from the street should they be relocated to our side of the property. It will therefore be very beneficial for us if the flags/signs can remain in the public right of way to allow adequate visibility for future prospects and passers by.

My hope is that the City of Costa Mesa will grant our complexes the right to maintain our flags/banners/signs that we currently have in place based on the information presented herein this packet once a detailed review of such shows we have met with the requirements of the Planned Signing Program and presented the information necessary for the continued use of our Signage Program.

Should you have any questions, please feel free to contact me.

Best Regards,

A handwritten signature in black ink, appearing to read "Fola Linebarger".

Fola Linebarger  
 Director of Administration  
 Arnel & Affiliates  
 714-481-5113 phone  
 714-481-5167 fax  
[foia@arnel.com](mailto:foia@arnel.com)

# Location Map





