



PLANNING COMMISSION AGENDA REPORT

VII. 3

MEETING DATE: MARCH 14, 2011

ITEM NUMBER:

**SUBJECT: ZONING APPLICATION ZA-10-65
PLANNED SIGNING PROGRAM FOR ACE HARDWARE
2666 HARBOR BOULEVARD**

DATE: MARCH 3, 2011

**FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609 (rrobbins@ci.costa-mesa.ca.us)**

DESCRIPTION

A planned signing program to include a proposed 29 square-foot (approximately 3 feet 10 inches high by 7 feet 10 inches long), electronic changeable copy sign on an existing pole sign. The request does not involve any increase in the maximum allowable sign area permitted by Code for the property.

APPLICANT

Anthony Kelley is the authorized agent for Ace Hardware (tenant) and Maureen Lefebvre, the property owner.

RECOMMENDATION

Deny by adoption of Planning Commission resolution.

REBECCA ROBBINS
Assistant Planner

KHANH NGUYEN
Asst. Development Svs. Director

BACKGROUND:***Project Site/Environs***

Ace Hardware is located on Harbor Boulevard and is zoned C1 (Local Business). The property is surrounded by commercially zoned and developed property to the north, south, and across Harbor Boulevard to the west, and residentially zoned and developed property to the east. The development includes the auto dealership to the south.

The existing 31 square-foot nonconforming electronic changeable copy sign was approved in 1999 as a replacement to a 60 square-foot changeable copy sign. This replacement was permitted under the City's standards for Rebuilding Nonconforming Structures because the nonconformity (size) decreased by close to 50 percent.

Electronic Signs as "Prohibited Signs"

Electronic changeable copy signs are also referred to as LED signs.

In 2002, electronic changeable copy signs (except movie theater & time and temperature signs) were prohibited under the Zoning Code (Section 13-112). Any deviation from the sign ordinance may be approved through a Planned Signing Program on a case-by-case basis.

The Code states the following as to the purpose of the Planned Signing Program:

"A Planned Signing Program is intended to provide maximum incentive and latitude to encourage variety and good design, and to allow response to special circumstances, but shall not be used to circumvent the objectives of this chapter." (Code Section 13-120).

Planned signing programs are typically reviewed by the City's Zoning Administrator; however, staff has referred this request to the Planning Commission because it involves a request for a new electronic sign that would otherwise be prohibited by Code.

History of Planning Commission Decisions on Electronic Signs

On October 19, 2009, Planning Commission approved a Planned Signing Program for South Coast Collection at 3333 Hyland Avenue to allow a 60 foot high pylon sign along the I-405 Freeway frontage with a 15 foot wide by 25 foot long Light Emitting Diode (LED) screen (total area 375 sq. ft.).

On August 9, 2010, Planning Commission approved a Planned Signing Program amendment for Triangle Square at 1870 Harbor Boulevard to allow: (1) A 10 foot high by 96 foot long LED sign (total area 960 sq. ft.) to be located on the northeast (former Niketown dome) side of the building; and (2) a 20 foot high by 15 feet long LED sign (total area 300 sq. ft.) to be located on the southwest (Sutra Lounge) side of the building. This application was called up for review by City Council and ultimately withdrawn by the applicant based on discussions with the community and current/prospective tenants.

ANALYSIS:

Project Description

The central intent of the proposed Planned Signing Program is to include a new LED sign which would otherwise be prohibited by Code. The proposed LED sign is technically the only sign in the proposed Planned Signing Program that requires discretionary review. All other existing signage is included in the PSP for reference purposes.

The applicant is proposing a new 29 square-foot electronic changeable copy/LED sign to replace the existing 31 square-foot LED sign for advertising of products and services. The applicant states there would be no flashing or blinking (i.e., animation).

The proposed sign is separated from the residential properties by the Ace Hardware building and the electronic changeable copy sign does not extend above the existing building.

A summary of the existing sign for the center is in the table below:

	Sign Code	Existing Signage	Planned Signing Program
Building Signs	265 sq. ft.	<ul style="list-style-type: none"> • 45 sq. ft. "Ace" sign • 60 sq. ft. "Crown Ace Hardware" sign • 15 sq. ft. (Nash Auto signs) 	
Freestanding Signs	265 sq. ft.	<ul style="list-style-type: none"> • 120 square-foot Ace Hardware / Nash Auto sign • 31 square-foot electronic changeable copy sign • 50 square-foot Nash Auto sign 	<ul style="list-style-type: none"> • Existing Signage as described (see left column) • 29 sq. ft. electronic changeable copy sign
Total	530 sq. ft.	321 sq. ft.	

Policy Decision

Electronic changeable copy signs were prohibited in all zones in the City in the last update of the Sign Ordinance (2002). The intent of the prohibition of electronic signs related to concerns with the following:

- Visual clutter associated with changing text and graphics.
- Possible distraction to motorists from electronic messages.
- Bright Illumination (appearance of flashing/blinking).
- Possible advertising of off-site products or services.
- Possible negative cumulative effects of the proliferation of electronic message signs in the community.

Because these types of signs are outright prohibited by Code, staff believes that the approval of electronic changeable copy signs is a policy decision by the Planning Commission. With the exception of the request for LED signs at Triangle Square, staff has recommended denial of electronic changeable copy signs.

Planning Commission may find that the proposed 29 square foot LED sign would not have any negative implications. Staff has included an approval resolution with conditions of approval if Planning Commission takes action to approve the proposed Planned Signing Program.

Justifications for Denial

As analyzed by staff, the following are justifications for denial of the Planned Signing Program due to LED sign component.

- *The proposed sign is not consistent with past reviews for LED signs typically approved for major destination centers.*

The Planning Commission approved LED signs for Triangle Square and South Coast Collection because these locations represented major destination centers. The project site is not a major shopping center or entertainment venue.

- *Changeable copy signs for individual tenants create visual clutter in the overall community as a whole.*

The intent of the prohibition on LED signs is to control light/glare from electronic images and reduce visual clutter. These development standards of the Sign Ordinance limit advertising of products, services, and businesses by allocating allowable maximum square footage and number of signs. However, electronic signs for individual tenants have the potential for unlimited messages thereby creating visual clutter.

- *The proposed sign is located approximately 400 feet from a future senior housing project approved under Master Plan Application PA-10-10.*

On December 7, 2010, City Council approved a rezone and master plan application for a 230-unit, four-story, senior housing project located at 1500 Mesa Verde Drive (across Harbor Boulevard to the northwest of the property containing Ace Hardware). Although the proposed LED sign is small in scale, it may be visible to these future residents.

GENERAL PLAN CONFORMITY

It is a policy decision of the Planning Commission to determine whether or not electronic signs of this size would be consistent with the General Plan.

It is staff's opinion that the proposed sign conflicts with the following General Plan goal:

- Goal CD-13, Signs: Ensure that signs contribute positively to Costa Mesa's image and overall economic development.

ALTERNATIVES:

The Planning Commission has the following alternatives:

1. Deny the proposed Planned Signing Program, including LED sign. This would not allow the project to proceed. The applicant could not submit substantially the same type of application for six months. The existing LED sign can remain since it is a legal nonconforming sign.
2. Approve the proposed Planned Signing Program, including LED sign, subject to conditions of approval. This would allow the project to proceed, subject to the recommended conditions of approval.

ENVIRONMENTAL DETERMINATION

If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved. If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15311 for Accessory Structures.

CONCLUSION

Staff believes that the approval of an electronic changeable copy sign is a policy decision by the Planning Commission. Because Code classifies an electronic changeable copy sign as a prohibited sign and there are concerns with visual clutter, staff does not support the applicant's request. However, resolutions for approval and denial are attached to the report for the Commission's consideration.

- Attachments:
1. Draft Planning Commission Resolutions – Denial and Approval
 2. Applicants Letter
 3. Location Map
 4. Existing Signage with proposed LED Sign

cc: Development Services Director
 Deputy City Attorney
 City Engineer
 Transportation Svs. Mgr.
 Fire Protection Analyst
 Staff (4)
 File (2)

Tony Kelley
 31681 Riverside Drive, #B
 Lake Elsinore, CA 92530

Jeff Schulein
 15 Linda Isle
 Newport Beach, CA 92660

Maureen Lefebvre
 242 Camilo Ave
 Coral Gables, FI 33134-7207

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RESOLUTION NO. PC-11-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA DENYING ZONING APPLICATION ZA-10-65**

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

WHEREAS, an application was filed by Tony Kelley, authorized agent for ACE Hardware and Maureen Lefebvre, owner of real property located at 2666 Harbor Boulevard, in a Local Business (C1) zone;

WHEREAS, the proposal is a Planned Signing Program to feature a proposed 29 square-foot (approximately 3 feet 10 inches high by 7 feet 10 inches long), electronic changeable copy sign with an electronic Light Emitting Diode (LED) screen on an existing pole sign. The PSP will also contain the specifications of the existing signage. The request does not involve any increase in the maximum allowable sign area permitted by Code for the property, approximately 3 feet 10 inches high by 7 feet 10 inches long, respectively;

WHEREAS, a duly noticed public hearing held by the Planning Commission on March 14, 2011 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Zoning Application ZA-10-65 with respect to the property described above.

PASSED AND ADOPTED this 14th day of March, 2011.

Colin McCarthy, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed signs do not comply with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed Planned Signing Program with the electronic changeable copy sign is not compatible and harmonious with uses that exist in the general neighborhood in that it will create visual clutter in the community.
 - The proposed sign does not comply with the intent of the applicable performance standards as prescribed in the Zoning Code.
 - The proposed sign is not consistent with the General Plan.
 - The cumulative effects of all planning applications have been considered.
- B. The proposed LED sign is not consistent with the intent of the City's Sign Code and the General Plan. The proposed sign is not consistent with existing signs in design and construction, taking into account sign style and shape, materials, letter style, colors and illumination. The proposed LED sign is not compatible with the buildings and developments it identifies, 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. Specifically, the proposed LED sign is not consistent with past reviews for LED signs typically approved for major destination centers. Additionally, the LED sign is not consistent with the following General Plan goals:
- Goal CD-13, Signs: Ensure that signs contribute positively to Costa Mesa's image and overall economic development.
- C. The Costa Mesa Planning Commission has denied Zoning Application ZA-10-65. 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.

RESOLUTION NO. PC-11-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY
OF COSTA MESA APPROVING ZONING APPLICATION ZA-10-65**

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

WHEREAS, an application was filed by Tony Kelley, authorized agent for ACE Hardware and Maureen Lefebvre, owner of real property located at 2666 Harbor Boulevard, in a Local Business (C1) zone;

WHEREAS, the proposal is a Planned Signing Program to feature a proposed 29 square-foot (approximately 3 feet 10 inches high by 7 feet 10 inches long), electronic changeable copy sign with an electronic Light Emitting Diode (LED) screen on an existing pole sign. The PSP will also contain the specifications of the existing signage. The request does not involve any increase in the maximum allowable sign area permitted by Code for the property, approximately 3 feet 10 inches high by 7 feet 10 inches long, respectively;

WHEREAS, a duly noticed public hearing held by the Planning Commission on March 14, 2011 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Zoning Application ZA-10-65 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-10-65 and upon applicant's compliance with each and all of the conditions 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 14th day of March, 2011.

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Colin McCarthy, 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 March 14, 2011, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

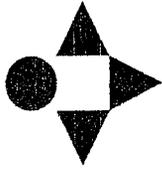
FINDINGS (APPROVAL)

- A. The proposed complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The proposed Planned Signing Program with the electronic changeable copy sign is compatible and harmonious with uses that exist in the general neighborhood in that it will create visual clutter in the community
 - The sign complies with the intent of the applicable performance standards as prescribed in the Zoning Code.
 - The sign is consistent with the intent of the General Plan and Redevelopment Plan.
 - The cumulative effects of all planning applications have been considered.
- B. The proposed LED sign 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. The proposed LED sign and existing signs are consistent with each other in design and construction, taking into account sign style and shape, materials, letter style, colors and illumination. The LED sign is compatible with the buildings and developments it identifies, 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 LED sign and existing 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 LED sign to vehicle traffic and surrounding properties.
- C. 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.
- D. 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 (IF PROJECT IS APPROVED)

- Plng. 1. The planned signing program includes the electronic changeable copy sign (also known as Light Emitting Diode (LED) sign). The PSP also includes existing signage for reference purposes. However, with regard to other signage, applicant may propose signage in compliance with the City's Sign Ordinance.
2. Permanent window signs shall not exceed 20% of the contiguous window area per the City's Sign Code. This provision shall not apply to temporary window signs or super graphics.
3. 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.
4. The cracks in the planter box the freestanding sign is contained in shall be repaired and/or the planter box replaced under the direction of the Planning Division. Upgraded landscaping shall be installed in the landscape planter to the satisfaction of the Development Services Director.
5. The loading area at the rear (east) of the property shall be upgraded and screened from the public right-of-way with screening materials to match the existing building under the direction of the Planning Division.
6. Trash bins shall be contained in a masonry trash enclosure, or other acceptable material, to the satisfaction of the Development Services Director.
7. 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.
8. 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.
9. The LED sign shall be located on the existing freestanding sign and shall be no larger than 3 feet 10 inches high by 7 feet 10 inches long, respectively, and shall also be subject to the following:
- a. No flashing or animated displays or images on the LED signs shall be permitted at any time.
 - b. Duration between images shall be no shorter than 4 seconds.
10. The advertising on the LED signs shall consist of on-site advertising for tenants. No third party advertising shall be allowed.



AKC Services, Inc.

Permit Specialist.

Site:

ACE Hardware
2666 Harbor Boulevard
Costa Mesa, CA 92626

ACE Hardware is proposing a new Electronic Message Center (EMC) on an existing pole sign at said property. The new message center will be used solely for onsite advertising of products and services and shall not blink, flash or create a hazard. All wall signs are to remain as is.

Thank you for your time and consideration.

Sincerely,

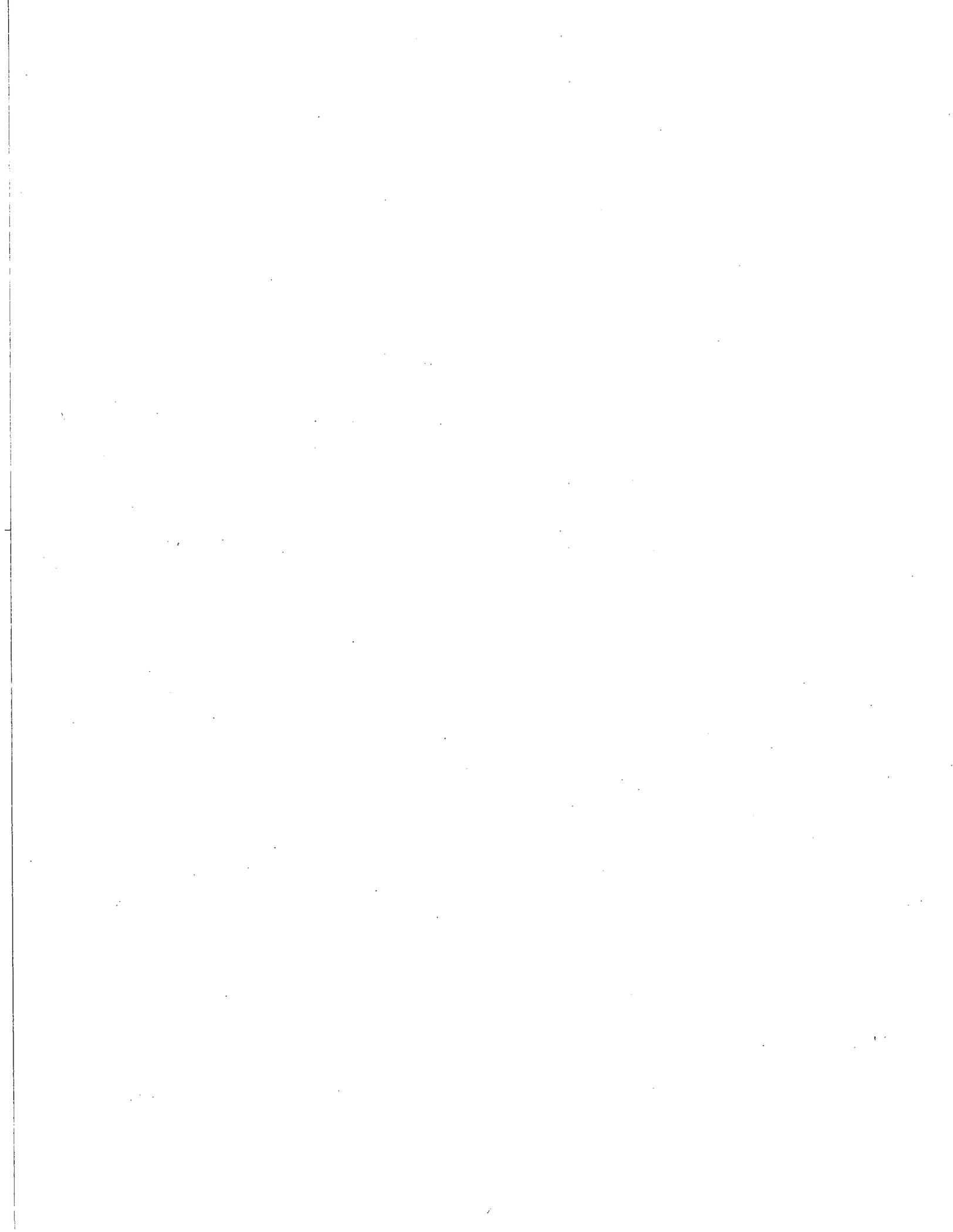
Christopher Polster
Executive Vice President
AKC Services, Inc.

CORPORATE OFFICE:
31681 Riverside Drive, Suite B
Lake Elsinore, CA 92530-7815

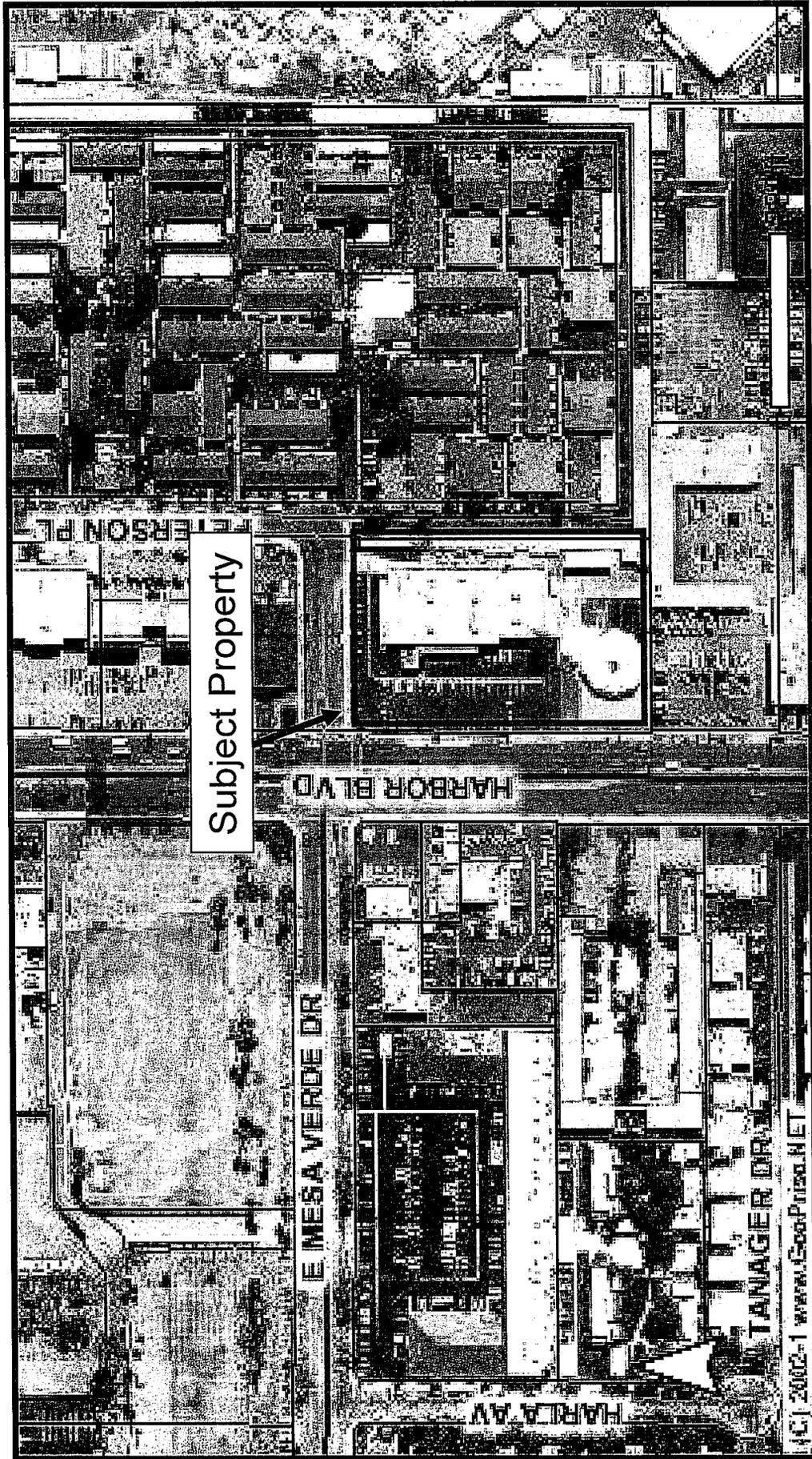
Phone (866) 997-3764
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Info@akcservices.net
www.akcservices.net

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Nationwide Service



LOCATION MAP



Sign Type	Description	Sign Location			Quantity	Sign Area (sq. ft.)	Height clearance of sign from the ground (feet)	Height or Length limitations (feet)	Illumination (Y or N)
		Freestanding	Building	Canopy					
Wall	Channel Letters - ACE		✓		1	45 ft	21'	Y	
Wall	Channel Letters - Crown ACE Hardware		✓		1	60 ft	17'	Y	
Ground	Cabinet Ace Hardware Nash Auto	✓			1	120 ft	18'	Y	
Ground	EMC board	✓			1	29 ft	13'7"	Y	
Ground	Nash Auto	✓			1	50 ft		Y	
Wall	Nash Auto		✓		3	5 ft each		N	
Total:									
					Total area of all signs: 319 ft ²				

1. Minimum/maximum size of tenant signs (including letter heights)
2. Minimum/maximum sign area for monument signs
3. Specifications (e.g. required colors, sign type)
4. Exclusions/ Prohibited Signs

Note: For large projects containing a large number of signs, add additional

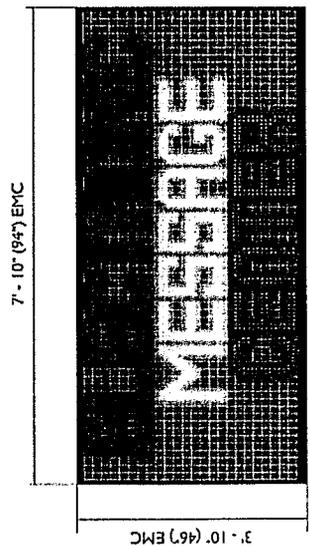
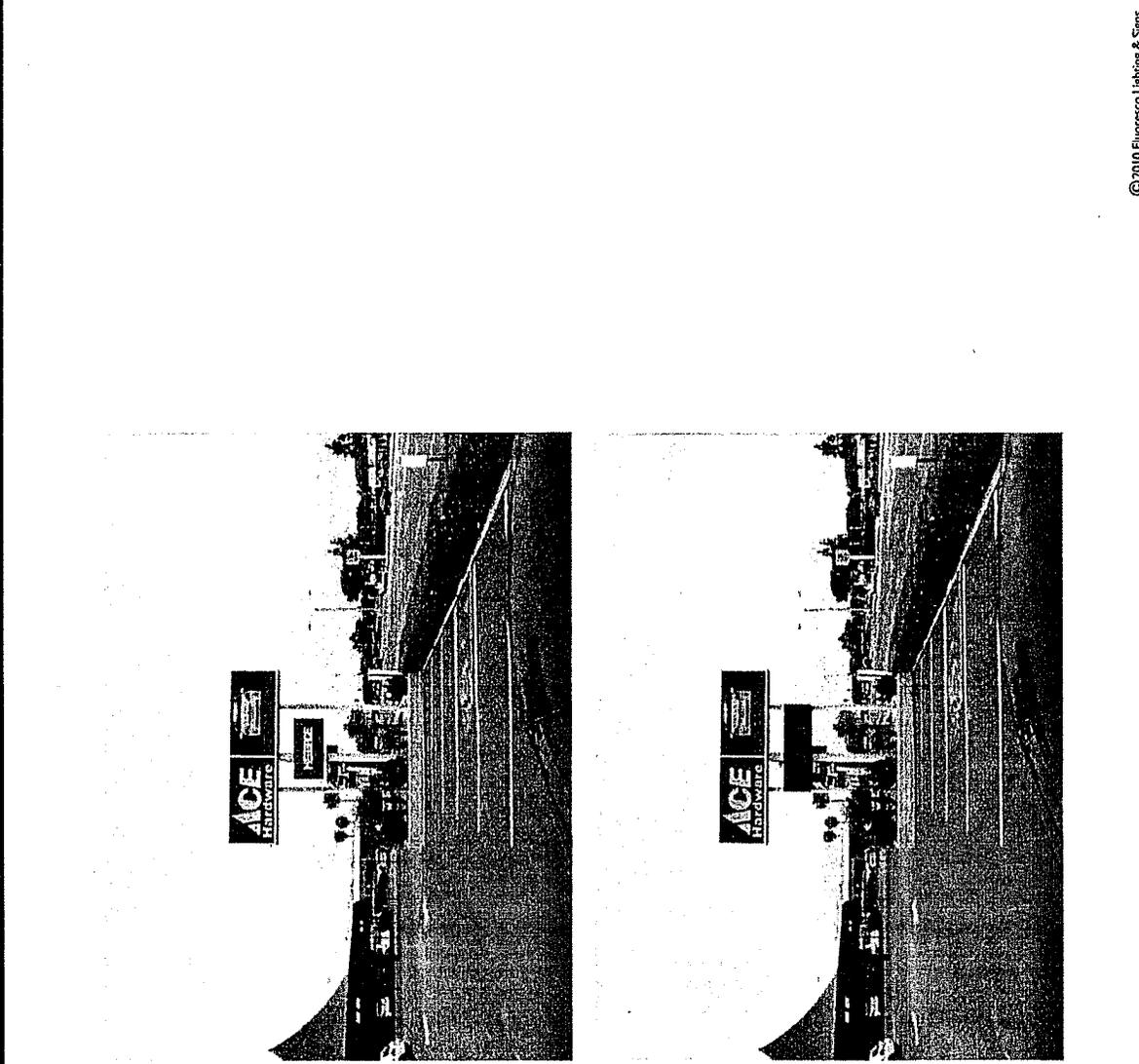
Sign Summary - Page 2
 Ace Hardware
 (Development Name)

ZA-10-065

DATE	04.15.10
NOTED	Noted
DATE/PERSON	Anthony Noto / AR
LOCATION	2666 Harbor Blvd., Costa Mesa, CA
PROJECT	Crown ACE Hardware
DRAWN	Lisa Contessa / B/L
DATE	11.06.10
PROJECT	110610 / B/L / REVISION / UPDATED PHOTO


FLUORESCO
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SIGN TYPE A / REPLACEMENT EMC
 1/2" = 1'-0"
 EMC: AF-3500-48X112-20-RGB-2V
 EMC SIZE: 3'-10" (46") X 7'-10" (94")
 POLES: EXISTING; 2 @ 7" DIA.; 1 @ 11" DIA.
 REMOVAL: REMOVE EXISTING TIME-O-MATIC MODEL
 NOTES: FLC TO PROVIDE FILLER PANELS (BLACK FINISH TO MATCH EMC)

SCOPE OF WORK: REPLACE EXISTING DF EMC
 (38" X 120") W/ NEW AF-3500-48X112
 -20-RGB-2V MODEL

