

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
October 12, 2009**

The Planning Commission of the City of Costa Mesa, California, met in regular session at 6:00 p.m., October 12, 2009, at City Hall, 77 Fair Drive, Costa Mesa, California. The meeting was called to order by Chairman Righeimer.

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

Commissioner Mensinger led the Pledge of Allegiance.

II. ROLL CALL: Chair: James Righeimer
Vice Chair: Sam Clark
Commissioners: Colin McCarthy and Stephen Mensinger

Present:Chair James Righeimer
Vice Chair Sam Clark
Commissioner Colin McCarthy
Commissioner Stephen Mensinger

Absent: None.

Also Present: Acting Plng. Commission Secretary Khanh Nguyen
Deputy City Attorney Tom Duarte
City Engineer Ernesto Munoz
Planning Administrator Claire Flynn
Recreation Manager Jana Ransom
Senior Planner Mel Lee
Senior Planner Minoo Ashabi

III. PUBLIC COMMENTS:

Chris McEvoy, Costa Mesa, commented on upcoming projects and his concerns that they meet the high standards for City development, especially related to parking; spoke about the style of new buildings; and congratulated Sam Clark on his appointment as Vice Chair.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner McCarthy discussed the Maple Crossing screening

item from the last City Council meeting; promoting development on the Westside; and Costa Mesa's low home ownership percentage in relation to renting. He also noted that relating to this Friday night's high school football game between Estancia and Costa Mesa, the Commission is split with the Chair and Commissioner Mensinger as Estancia fans. Commissioner McCarthy suggested that a friendly wager be made with the Commissioners on the losing side donating \$50 to the opposing school's booster organization. The Chair added that the Commissioners on the losing side also wear the opposing team's colors at the next Planning Commission meeting.

Vice Chair Clark wished Estancia the best of luck.

Commissioner Mensinger announced Pop Warner's eighth week with five teams in the playoffs (Orange Bowl) at Estancia's Jim Scott Stadium this Sunday, October 18, and on November 1.

The Chair discussed the sale of the Orange County Fairground's property and said the State of California owns this property and wants to sell it. He said the City controls the zoning and asked those who read his recent column in the Daily Pilot that would like to keep this property as a Fairgrounds to e-mail him. He pointed out that this could be placed on the ballot (citizens' initiative) for the citizens of Costa Mesa to vote in the zoning.

V. CONSENT CALENDAR:

1. Minutes for the meeting of September 14, 2009.

MOTION: Approve.

**Moved by Vice Chair Sam Clark, seconded by
Commissioner Colin McCarthy.**

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Colin McCarthy, and Commissioner
Stephen Mensinger

Noes: None.

Absent: None.

VI. PUBLIC HEARINGS:

1. **Application No.: PA-07-29**
Site Address: 531 Anton Boulevard
Applicant: Patrick Tooley
Zone: PDC
Environmental
Determination: Exempt

Description:

A time extension request for a Final Master Plan for the three-level Symphony Towers' replacement parking structure (342 total spaces), including a Minor Conditional Use Permit for a deviation from shared parking requirements and the maximum number of compact parking allowance.

Senior Planner Minoo Ashabi reviewed the information in the staff report, and there were no questions of staff.

The Chair confirmed with the other Commissioners that there were no ex parte communications with the applicant.

Chris McEvoy, Costa Mesa, made a comment concerning the adequacy of compact parking spaces.

George Sakioka was present on behalf of Patrick Tooley. He did not make a presentation.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve a time extension to October 8, 2012 for Planning Application PA-07-29, by adoption of Planning Commission Resolution PC-09-37, based on the evidence in the record.

Moved by Vice Chair Sam Clark, seconded by Commissioner Stephen Mensinger.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark, Commissioner Colin McCarthy, and Commissioner Stephen Mensinger

Noes: None.

Absent: None.

2. **Application No.: PA-07-31**
Site Address: 616 Center Street and 613 Plumer Street
Applicant: Justin McMillen
Zone: R2-HD Mixed-Use Overlay Zone
Environmental
Determination: Exempt

Description:

Extension of time for Master Plan of a 7-unit, 15,201 square-foot, three-story, attached residential common-interest development. Project includes deviations from setback requirements, maximum size of residential loft areas, and residential design guidelines.

Senior Planner Mino Ashabi reviewed the information in the staff report, and there were no questions of staff.

Justin McMillen, applicant, thanked staff and stated he was very excited about this Westside project.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Approve a time extension to March 24, 2013 for Planning Application PA-07-31, by adoption of Planning Commission Resolution PC-09-38, based on the evidence in the record.

Moved by Commissioner Colin McCarthy, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Colin McCarthy, and Commissioner
Stephen Mensinger

Noes: None.

Absent: None.

3. **Application No.: ZA-09-33**
Site Address: 3333 Hyland Avenue
Applicant: Peter Buffa

Zone: PDI
Environmental
Determination: Exempt

Description:

Amendment to Planned Signing Program ZA-05-69 to allow a 60-foot high freeway sign with an electronic Light Emitting Diode (LED) screen, in addition to other proposed monument and wall signage for South Coast Collection (formerly South Coast Home Furnishings Centre).

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding the decision alternatives, impact on future projects, how the Wickes Furniture sign got approved, and the sign panels.

Peter Buffa, Costa Mesa, authorized representative for Burnham-Ward Properties LLC, gave a detailed presentation of the property site's history and the lack of adequate signage, the challenging economy, and access constraints. He provided overhead pictures of the existing center and their plans to attract higher level tenants with an updated look, revitalizing the landscaping, and improving the visual impact. He explained the use of fin elements, the redesign and lowering of the LED screen, Lifestyle Graphic Panels, and the pylon signs. Mr. Buffa asked the Commission for their approval to go forward with this project as an art design center.

Mr. Buffa replied to Commissioner McCarthy that with greater enhancements and lifestyle graphics, this will attract customers. He said that there will be no flashing images and they must follow Caltrans' requirements. Mr. Buffa said the new LED technology can be seen at the Honda Center on the 57 Freeway.

Ed Wasserman, Daktronics, representing the owner, explained light intensity as measured in nits, foot candles, and candelas.

Bryon Ward, Burnham-Ward Properties, explained the glowing effect, brightness, and nits of the LED screen compared to a street sign.

Commissioner Mensinger discussed with Mr. Buffa the current state of the signs and options to reposition the signs, and the residents' concerns. Mr. Buffa said lowering the signs was not workable, but controlling the brightness of the signs and hours of use, plus a landscaping program would reduce the effects the signs have on the neighbors.

The Chair and Mr. Buffa discussed working with Caltrans relating to their requirements.

The Chair noted that all the Commissioners met with Mr. Buffa and the applicant.

Becky Cote, New Hampshire Drive, Costa Mesa, expressed her concern with safety and viewing the signs from the I-405 Freeway, possibly causing rear-end collisions.

Seve Ann Gilpir, New Hampshire Drive, Costa Mesa, said this project will greatly impact her life and noted that lifestyle graphics are still signs.

George Cote, New Hampshire Drive, Costa Mesa, expressed concern about rear-end collisions on the I-405 Freeway resulting from motorists looking at the signage from this project. He also pointed out that the City might be sued.

Brian Lord, Michigan Avenue, Costa Mesa, stated that he was not informed about the Wickes Furniture sign. He noted his quality of life has been affected and property values will drop.

Chris Mulhall of Visions in Contemporary Furniture Living said his business is in the design center and he is happy with Burnham-Ward and they will work very hard to benefit the other businesses in the center and the neighbors.

Greg Woodside, Colorado Place, Costa Mesa, suggested an initial study (environmental analysis) be performed.

Nyle Schafhauser, Michigan Avenue, Costa Mesa, provided some photographs for the Commission and stated

this project is an eyesore and will affect the community.

Rob Royal, Michigan Avenue, Costa Mesa, said he had a beautiful view of the mountains and now the view is gone. He added that graphic panels are signs and said he has a petition signed by 99 residents opposing this project.

Peter Gilfin, New Hampshire Drive, Costa Mesa, spoke about light pollution and encouraged the Commission to deny this application.

Helen Houser, Michigan Avenue, Costa Mesa, said the huge sign shines light through her bedroom and the LED lights can cause epileptic seizures. She stated she was very opposed to this project.

Gregg Munro, a business owner, Costa Mesa, said Burnham-Ward is very responsible and the signage proposed is better than before.

Diane Lohan, Iowa Street, Costa Mesa, expressed concern about the project being an eyesore and asked the Commission to deny the application.

John Hopkins, Michigan Avenue, Costa Mesa, expressed concern about his right to privacy and peace of mind.

Robert Stern, Michigan Avenue, Costa Mesa, agreed with the previous speakers and said the signage needs to be looked into further, with possible relocation of the large pylon sign.

Anka Secrest, Colorado Place, Costa Mesa, expressed concern regarding the constant, ugly glow of light and said she would know by research how to get to a business location.

Amber Roberts, Michigan Avenue, Costa Mesa, asked the Commission to deny the application or approve portions of the application.

Beth Refakes, Costa Mesa, said she attended the original meeting and expressed concern that we do not need any more signage or driver distractions. She also asked the

Commission to listen to the residents and noted that South Coast Plaza and IKEA advertise in other ways and do not have big signs.

Jim Murdock said he has a business in the center and advertises each week, but cannot get enough customers to come in. He noted that he is very pleased with Burnham-Ward Properties and they will listen and work together with everyone.

Martin Hansen, Colorado Lane, Costa Mesa, expressed concern regarding putting public safety first, and having a safe neighborhood. He noted signage is not benefiting the residents or businesses.

Louise Fiduccia, Michigan Avenue, Costa Mesa, said she has lost her view of the mountains and of Disneyland's fireworks, and the Wickes Furniture sign is shining on her street. She asked to be notified of any changes that take place on this application.

The Chair called a recess at 8:07 p.m. and resumed the meeting at 8:18 p.m.

Mr. Buffa returned to the podium and pointed out that the area occupied by the former Wickes sign will be removed as part of this project. He also said Caltrans has conducted studies of illuminated signs on the freeway and there are no major safety concerns.

Mr. Ward replied to the Vice Chair that if their application is denied, they would be at a critical stage because they have an anchor tenant for the Wickes building and time is of the essence.

No one else wished to speak and the Chair closed the public hearing.

Commissioner McCarthy considered the concerns of the neighbors and said he does not want the City known as a LED City. He stated he could not support the sign and said discussions are needed between the owner and the neighbors.

Commissioner Mensinger said he appreciates Commissioner McCarthy's viewpoint, but noted that this is an opportunity to change things and to address the height and light intensity issues.

Vice Chair Clark said this is an emotional issue and that Mr. Buffa did point out that the Wickes sign never came to the Planning Commission because it was approved by the Zoning Administrator. He commented that he still does not understand nits in terms of light level measurement and stressed that nothing changes if the project is denied. He also commented on the hours of sign lighting.

The Chair thanked everyone in attendance for showing up at this meeting and noted that the Commissioners drove by the project at night and noticed the signs. He also said now is the opportunity to change. He began to discuss the concerns regarding the two 60' signs and the lifestyle signs with Mr. Buffa. The Chair and Mr. Ward discussed the illumination on the lifestyle signs and the hours of sign operation.

The Chair, Mr. Lee, and Mr. Buffa discussed sign heights and the Chair asked if the signs could be moved further south. Mr. Buffa said he could study the visual impacts. The Chair asked staff to move quickly to talk about these issues and Mr. Buffa added that the timing is very close and mentioned the next City Council meeting of October 20 for a presumed appeal.

The Chair, Mr. Duarte, and Mr. Lee discussed the noticing requirements, the tight schedule, and having a special meeting of the Planning Commission a week from today.

Commissioner McCarthy questioned why we would have a special meeting of the Planning Commission when the people do not want this project.

The Chair said this is a major project, and noted that branding gets tenants. Mr. Buffa replied to Commissioner Mensinger that he would get his sign consultant team together and also meet with the residents. Commissioner Mensinger pointed out that the neighbors are important and to use every opportunity

to solve the problems.

Vice Chair Clark agreed there are a lot of technical issues and mentioned that a clear set of guidelines is needed for the public meeting.

Commissioner McCarthy said it was unfair for the community to come out for another public meeting when they made their feelings clear. A discussion followed between the Chair and Commissioner McCarthy regarding making a motion. The Chair proceeded to make a motion.

**MOTION: Continue to the Special Planning Commission meeting of October 19, 2009.
Moved by Chair James Righeimer, seconded by Commissioner Stephen Mensinger.**

SUBSTITUTE MOTION: Deny Zoning Application ZA-09-33 for reasons set forth in Attachment "1" and Exhibit "A" to Attachment "1".

Moved by Commissioner Colin McCarthy. The motion died for lack of a second.

During discussion on the motion, Vice Chair Clark said he was unable to second the substitute motion and supports the current motion. He stated we need a solution to live with.

The Chair said there are items to go over this week including, if the signs can be moved further south; height of signs; raising green screens; and shielding the signs from the neighborhood.

Commissioner Mensinger added some other items: lowering elevation, general size of the sign and combining landscaping; and wrought iron fencing fronting the property (in Caltrans right-of-way) and the columns. Vice Chair Clark added the item of hours of operation of the lighting to dim them or extinguish them during the course of the evening. He also asked for a usable explanation of nits.

The Chair proceeded to call for the vote.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark, and
Commissioner Stephen Mensinger
Noes: Commissioner Colin McCarthy
Absent: None.

The Chair stated that next Monday at 6:00 p.m. there will be a special meeting just for this item.

4. **Application No.: CO-09-07**
Site Address: Citywide
Applicant: City of Costa Mesa
Environmental
Determination: Exempt

Description:

An ordinance of the City Council of Costa Mesa, California adopting Zoning Code Amendment CO-09-07 to amend Title 13, Chapter IX, Article 16, of the Costa Mesa Municipal Code regarding liquor stores, convenience stores, and mini-markets.

Senior Planner Mino Ashabi reviewed the information in the staff report and Deputy City Attorney Tom Duarte, Planning Administrator Claire Flynn, and Ms. Ashabi responded to questions from the Commission regarding off-sale hours, ABC license regulations, a future study session discussion, and a restriction as part of the conditional use permit (CUP) process.

Chris McEvoy, Costa Mesa, commented on ABC license regulations and certain liquor stores that are public nuisances.

Commissioner McCarthy and Ms. Flynn discussed hourly restrictions for the CUP process for liquor stores and changing the language to further restrict off-sales from 6:00 a.m. to 9:00 a.m. and removing line Item No. 7 (Standard 7) of the ordinance. Ms. Flynn replied to the Chair that the Commission could recommend that the City Council provide direction on Item No. 7.

Ms. Flynn explained that Item No. 5 on Page 5 shows a minimum suspension of 30 days, but the amendment would further restrict the strict standard to 5 days.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Recommend that City Council introduce and give first reading to Code Amendment CO-09-07, to Title 13, of the Costa Mesa Municipal Code, related to off-sale of alcoholic beverages, with the removal of Item 7, from Attachment 1, for City Council approval as a separate code amendment.

Moved by Commissioner Colin McCarthy, seconded by Commissioner Stephen Mensinger.

During discussion on the motion, the Chair, the Vice Chair, and Ms. Flynn discussed the wording of the motion, and initiating a code amendment for Item No. 7.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Colin McCarthy, and Commissioner
Stephen Mensinger

Noes: None.

Absent: None.

5. **Application No.: CO-09-09**
Site Address: Citywide
Applicant: City of Costa Mesa
Environmental
Determination: Exempt

Description:

An ordinance of the City Council of Costa Mesa, California adopting Zoning Code Amendment CO-09-09 to amend Title 13, Chapter III, Planning Applications, of the Costa Mesa Municipal Code, to exclude the density of affordable housing projects from being subject to discretionary review during the Design Review process.

Planning Administrator Claire Flynn reviewed the information in the staff report and responded to a question from the Commission regarding zoning use.

No one else wished to speak and the Chair closed the public hearing.

MOTION: Recommend that City Council introduce and give first reading of the ordinance.

Moved by Vice Chair Sam Clark, seconded by Commissioner Colin McCarthy.

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Colin McCarthy, and Commissioner
Stephen Mensinger

Noes: None.

Absent: None.

6. **Application No.: CO-09-10**
Site Address: Citywide
Applicant: City of Costa Mesa
Environmental
Determination: Exempt

Description:

An ordinance of the City Council of Costa Mesa, California adopting Zoning Code Amendment CO-09-10 to amend Title 13, Chapter VII, Article 3, Sections 13-118.1 and 13-118.2 of the Costa Mesa Municipal Code to allow Youth Program Group Users to apply for temporary sign and banner permits on City athletic fields.

Planning Administrator Claire Flynn reviewed the information in the staff report, and Recreation Manager Jana Ransom answered a question from the Commission regarding the number of days a banner can be displayed.

Ms. Ransom explained about the proliferation of registration and sponsor banners on the fields and regulating banners for Group 1 users (youth sport programs). She said Group 3 users also asked to be allowed to apply and receive banner permits.

Ms. Ransom explained about the time period for the banners, 7 days prior to registration and 30 days during registration. She

also explained that baseball and softball teams have two separate sign periods.

John Rubright, Costa Mesa AYSO Regional Commissioner, asked that Group 1 and 3 users be restricted and not Group 5. He said the size of the banners for a public area is 64 square feet and AYSO uses a 3' by 10' size banner. He said the banners should be reduced in size to 32 square feet.

Ms. Ransom responded to Commissioner Mensinger's question that each individual sign cannot be more than 32 square feet. She said Group 5 users are 50% or less resident groups and Group 3 users have a competitive program. She suggested only resident Group 1 and Group 3 users be allowed.

Mark Arblaster, President of Newport Mesa Soccer Club, said he wants to see kids participate and let them know these sports exist. He asked that no more flyers be allowed, and suggested advertising in the paper and allowing banners on the fences to get the word out.

No one else wished to speak and the Chair closed the public hearing.

Ms. Flynn pointed out that the current code allows 64 square feet.

The Vice Chair noted Section C-3 and stated that no individual banner should exceed 32 square feet.

Commissioner Mensinger noted that the percentage should be addressed.

MOTION: Recommend that City Council introduce and give first reading to Code Amendment CO-09-10, with the following changes: Section 13-118.1, Subparagraph (a), replace Youth Program User Groups with Youth Program User Groups 1 and 3; Subparagraph (c)(3), shall read "The total signage shall not exceed maximum 64 square feet and no individual sign shall exceed 32 square feet" and; Section 13-118.2, Subparagraph (a), replace Youth

**Program User Groups with Youth Program User Groups 1 and 3, in both locations of the paragraph.
Moved by Vice Chair Sam Clark, seconded by
Commissioner Stephen Mensinger.**

The motion carried by the following roll call vote:

Ayes: Chair James Righeimer, Vice Chair Sam Clark,
Commissioner Colin McCarthy, and Commissioner
Stephen Mensinger

Noes: None.

Absent: None.

VII. NEW BUSINESS

- 1. Fence and Landscape Improvements in Caltrans Right-of-Way located at 3200 Harbor Boulevard, adjacent to CarMax.**

Senior Planner Mel Lee reviewed the information in the staff report and responded to questions from the Commission regarding accelerating the communication process with Caltrans. Commissioner Mensinger emphasized increased involvement of the Public Services Director in this process.

City Engineer Ernesto Munoz pointed out that Transportation Services Manager Raja Sethuraman is well acquainted with this situation with Caltrans and is the individual to contact regarding this process. The Vice Chair agreed and encouraged staff's help.

The Chair pointed out that we need to work with Caltrans to speed things along.

- 2. Procedures for Fence and Landscape Improvements in Caltrans Right-of-Way**

The Chair asked if the standard agreement for fence and landscape improvements in Caltrans right-of-way has been used by Caltrans before.

Mr. Lee replied that the draft agreement document has not been formally submitted to Caltrans for approval, and it is still

being reviewed by CarMax and the property owner.

The Chair said he wants to see the agreement in place and noted this agreement should be provided to applicants/property owners as soon as possible for projects that neighbor the freeway.

Commissioner Mensinger reiterated the importance of getting the Director of Public Services' help to address this slow-moving process with Caltrans. Mr. Munoz said he would convey that message.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

X. ADJOURNMENT: NEXT REGULAR PLANNING COMMISSION MEETING AT 6:00 P.M. ON NOVEMBER 9, 2009.

There being no further business, Chairman Righeimer adjourned the meeting at 9:54 p.m. to the Special Planning Commission meeting at 6:00 p.m. on October 19, 2009. The Chair also cancelled the Special meeting of October 26, 2009.

Submitted by: _____
KHANH NGUYEN, ACTING SECRETARY
COSTA MESA PLANNING COMMISSION