

**SPECIAL MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
October 19, 2009**

The Planning Commission of the City of Costa Mesa, California, met in a Special meeting at 6:00 p.m., October 19, 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.

Vice Chair Clark 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: Assistant Planning Commission Secy. Claire Flynn
Deputy City Attorney Tom Duarte
Transportation Services Manager Raja Sethuraman
Senior Planner Mel Lee

III. PUBLIC COMMENTS:

There were no public comments.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

Commissioner Mensinger stated that Costa Mesa High School defeated Estancia in football and commented on the game.

Vice Chair Clark mentioned that he appreciated the friendly wager over the football game and the donation made to Costa Mesa High School's booster organization.

Commissioner McCarthy handed the two "Estancia" Commissioners (the Chair and Commissioner Mensinger) a Costa Mesa High School hat and pom pom to wear and wave.

V. CONSENT CALENDAR:

There were no Consent Calendar items.

VI. PUBLIC HEARING:

1. **Application No.: ZA-09-33**
Site Address: 3333 Hyland Avenue
Applicant: Peter Buffa
Zone: PDI
Environmental
Determination: Exempt

Description:

From the meeting of October 12, 2009, Amendment to Planned Signing Program ZA-05-69 to allow a freeway pylon 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 provided a brief review of the project and explained the three alternative resolutions, summarizing the conditions of approval relating to approval of the sign with the LED screen and without the LED screen. He responded to a question from the Commission regarding Condition No. 3 (window signage area).

The Chair thanked everyone for attending the neighborhood meeting yesterday and coming out for tonight's Special meeting. He noted that the conditions approved tonight will be locked in with the land. Regarding ex parte communications, the Chair said he met with the applicant, the applicant's representatives, and most of the neighbors. Commissioner McCarthy noted that he spoke with the applicant.

Peter Buffa, applicant, thanked the Planning Commission, staff, and the residents and stated he had a significantly

different product. He proceeded to make a detailed presentation.

Bryon Ward, Burnham-Ward Properties, explained that the top of the revised pylon sign is 49'9"; the top of the tenant name panel is 47'10"; and the top of the LED screen is 31'.

Mr. Buffa noted that the LED screen is not visible from the state streets.

In response to the Chair's question about the height of the other signs, Mr. Ward replied that the middle pylon is 42', the corner pylon is 40', the top of the graphic panels is 40', and the top of the building fins is 55'.

Mr. Buffa pointed out the big difference the residents will notice is the lowered height of the proposed signs.

Commissioner Mensinger and Mr. Ward discussed Condition No. 3 on Page 12 (window signage) and Commissioner McCarthy discussed tenant signs with Mr. Ward.

Mr. Buffa provided the Commission with a copy of the Covenant and Agreement Regarding Digital/Electronic Display Signs between the City of Los Angeles and Caltrans.

The Chair and Deputy City Attorney Tom Duarte discussed continuing the public hearing outside in the parking lot as Mr. Buffa said he would like to demonstrate a LED screen in the dark.

Ed Wasserman of Daktronics gave a demonstration outside in the parking lot and the Planning Commission, City staff, Mr. Buffa, and the public stood approximately 1/4 the distance away from the LED screen, which is 1/4 the size of the proposed LED screen for the project.

During the demonstration, Mr. Wasserman replied to Commissioner Mensinger relating to a question on demonstrating lower resolution.

The demonstration outside lasted approximately six minutes.

When the Commission and audience were seated, the Chair summarized what happened during the demonstration.

In response to the Vice Chair's question relating to nits, Andy Powell of Lighting Design Alliance (applicant's representative) replied that a foot candle is a unit of measure of light that comes off of a surface, and a nit is a unit of measure of light directly at the source.

Vice Chair Clark and Mr. Powell discussed the brightness at night at 52 degrees from New Hampshire and Iowa with the LED screen at approximately 169 nits.

The Chair proceeded to review each of the conditions of approval one by one on Page 19, if the LED screen is approved, with Mr. Ward and Steve Thorp of Burnham-Ward Properties. The Vice Chair and Mr. Lee were also involved in this review process plus John Bishop, representing the applicant, explained tenant name lighting and Mr. Powell discussed the proposed nighttime readings of nits, and approximate costs of a nit meter and a luminance meter.

Liz Meyer, Iowa Street, Costa Mesa, asked that the condominium owners not be forgotten in this decision process.

Rob Royal, Michigan Avenue, Costa Mesa, expressed concern regarding the height of one of the panels, and discussed lifestyle signs, edge light, and avoiding the use of searchlights, illuminated balloons, and moving material.

Robert Stern, Michigan Avenue, Costa Mesa, expressed concern regarding sign height.

Martin Hansen, Colorado Lane, Costa Mesa, inquired about the tenant signs and using one of the signs for an emergency situation to benefit the City. He also asked how often are nit guns calibrated.

Brad Pico, Iowa Street, Costa Mesa, discussed sign height.

Linda Iannelli, Michigan Avenue, Costa Mesa, expressed

concern regarding the LED screen that has affected her enjoyment of using her backyard. She provided DMV pamphlets for the Commission and noted driver distractions and the possibility of accidents.

Elizabeth Lapite, Iowa Street, Costa Mesa, discussed the hours of operation of the signs.

Chris McEvoy, Costa Mesa, commented on the LED screen and its glowing effect.

Beth Refakes, Costa Mesa, commented on low resolution and high resolution signs and nits.

The Chair and Mr. Wasserman discussed the maximum nit level (6,000).

Amber Roberts, Michigan Avenue, Costa Mesa, asked about the penalty for not adhering to the nit level. The Chair noted that there are sign ordinances and noted the Code Enforcement process.

John Hopkins, Michigan Avenue, Costa Mesa, inquired if the signs could be turned off in correlation with the business hours.

Mr. Buffa explained to the Chair concerning the panel signs, the LED screen, and the signs dimming at 9:00 p.m. and turning to black within one hour, at 10:00 p.m. He also explained about the lighted panels on the side of the pylons, which is a design feature.

The Chair, Vice Chair Clark, Commissioner Mensinger, and Mr. Buffa discussed lighted side panels, glow intensity, and the architectural aspect of the lighted side panels.

Mr. Buffa pointed out that the lighted side panels are very important.

Commissioner Mensinger asked Mr. Buffa to be absolutely certain concerning the need for this signage.

Commissioner McCarthy thanked the Chair and the residents

for attending the meeting yesterday and also thanked Mr. Buffa and his representatives.

The Vice Chair asked to review the conditions of approval with the other Commissioners, and there was a discussion, specifically concerning no graphic panels higher than 40' for Condition No. 1. Regarding Condition No. 2, they discussed the lifestyle signs and the other three signs in front, plus the window signs staying in. Relating to Condition No. 7, "reasonable" opinion was used.

A discussion ensued regarding Condition No. 8 regarding lifestyle graphics and Mr. Buffa stated this is architecture, not advertising. Assistant Planning Commission Secretary Claire Flynn explained the origin of the lifestyle graphic signs and text advertisement. Mr. Buffa continued to point out that this was not advertising, but a piece of artwork. Deputy City Attorney Tom Duarte stated he does not regulate this, but the City Attorney's office can work with staff.

Regarding Condition No. 9, the wording "uplit from bottom" was used.

The Commissioners and Mr. Buffa discussed the illumination hours of the pylon signs, the LED screen, and the total number of signs for Condition No. 8. Mr. Lee added there are 9 total graphic panels oriented toward the I-405 Freeway.

A lengthy discussion ensued with the Commissioners, Mr. Buffa, and Mr. Ward regarding Condition No. 10 and signage, channel lettering, lighted channel signs, and removing the lighted side panels.

The Chair mentioned Condition No. 11 and the Vice Chair noted the same hourly restrictions. The Chair also said there are no issues with Condition No. 12.

The Chair, Commissioner McCarthy, and Mr. Ward discussed the existing tenants, and the timing of all illuminated signs for shut-off by 10:00 p.m. (Condition No. 13).

The Commissioners and Mr. Powell discussed the not-to-

exceed nits level for the LED screen.

Vice Chair Clark asked for an additional condition for a six-month review for compliance by staff. Ms. Flynn said a condition could be added with the appropriate language.

Mr. Buffa stated he wanted to preserve the luminous signs longer at night that are not visible by the state streets and a discussion ensued with the Chair, Vice Chair Clark, Mr. Buffa, and Mr. Duarte.

Mr. Lee made a point of clarification on Condition No. 9 that the signs be uplit from the bottom.

MOTION: Approve Zoning Application ZA-09-33, by adoption of Planning Commission Resolution PC-09-39, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions of approval in Exhibit "B" on handwritten Page 19, with modifications to Findings "A", "B", and "C" and Condition Nos. 1, 2, 7-10, 13, and additional conditions 14-16, adopted as follows:

FINDINGS (APPROVAL)

A. Based on the evidence in the record and information presented during the public hearings, the signs, as revised and conditioned, comply with Costa Mesa Municipal Code Section 13-29(e) because:

- **The signs, as revised and conditioned, are compatible and harmonious with uses that exist in the general neighborhood.**
- **The signs, as revised and conditioned, comply with the intent of the applicable performance standards as prescribed in the Zoning Code.**
- **The signs, as revised and conditioned, are consistent with the General Plan.**
- **The cumulative effects of all planning applications have been considered.**

B. Based on the evidence in the record and information

presented during the public hearings, the signs, as revised and conditioned, are consistent with the intent of the City's Sign Code and the General Plan. Specifically, the original proposal for a 60-foot high freeway-oriented pylon sign with an LED screen was reduced to an overall height of 49'-9" for the pylon sign and 31'-0" for the LED screen to minimize lighting impacts to the residential neighborhood. Other changes to the illuminated signs visible to residences were also required as conditions of approval.

C. Based on the evidence in the record and information presented during the public hearings, the signs, as revised and conditioned, are compatible with the buildings and developments they identify, taking into account materials, colors, and design motif.

CONDITIONS OF APPROVAL

Plng. 1. The graphic panels shall not project above 40 feet in height as measured from grade. This height limitation does not apply to the building roof fins.

2. The total site signage shall not exceed the total sign area proposed under this planned signing program. The applicant shall provide revised drawings showing how this will be accomplished.

7. 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.

8. Lifestyle graphic signs shall be limited to a maximum of nine (9) signs not to exceed 360 square feet each along the freeway frontage, including the former Wickes Furniture building. Lifestyle graphics shall not contain any advertisements. The lifestyle graphics shall be placed in such a manner as to minimize visibility from residential

neighborhoods, subject to final approval by the Planning Division.

9. Lifestyle graphic signs shall be uplit. Light fixtures shall incorporate shielding or other methods necessary to prevent light or glare spill-over to residential neighborhoods.

10. Freeway pylon signs shall not exceed the following maximum heights, as measured from grade to the highest point on the signs:

1. LED Sign

49'-9" overall height

47'-10" to top of tenant panels

31'-0" to top of LED screen

2. Center Sign

42'-0" overall height

40'-0" to top of tenant panels

3. Corner Sign

40'-0" overall height

38'-7" to top of tenant panels

Lighted elements of the pylon signs shall be limited to channel letters and tenant cabinet letters only. Additional lighting of the freeway pylon signs is expressly prohibited. No additional lighting of the pylon sign (i.e., column and architectural elements) shall be allowed above 32 feet.

13. The freeway-oriented pylon sign with the LED screen shall comply with the following requirements:

a. LED screen shall be a maximum size of 15 feet wide by 25 feet long.

b. LED screen shall not exceed a maximum height of 31'-0" feet as measured from grade to the highest point on the screen.

c. LED 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.

- d. No flashing or animated displays or images on the LED screen shall be permitted at any time.**
- e. The operating hours of the LED screen shall be 7:00AM through 10:00PM, seven days a week. Beginning at 9:00PM, the LED sign shall be gradually dimmed until it is completely turned off at 10:00PM. Outside these approved hours, the LED screen shall be turned off.**
- f. All illuminated signs (freestanding signs, graphic panels, building roof fins, etc.) visible from the state street neighborhood shall be completely shut off at 10:00PM, seven days a week.**

14. No later than five days from the effective date of this approval, the property owner shall shut off the existing freeway-oriented pylon sign at 10:00PM, seven days a week, if it is found that no conflicts with the existing lease agreements with the tenants of South Coast Collection exist.

15. The property owner shall work with staff to provide landscaping within the state street neighborhood if it is determined by staff that additional screening of the freeway-oriented signs is necessary.

16. Property owner's compliance with the above conditions of approval shall be reviewed by staff six months from the installation and activation of the lighted freeway-oriented signs.

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

During the making of the motion, the Chair and Commissioner Mensinger contributed to the language of the conditions and Mr. Buffa made a few suggestions as well.

During discussion on the motion, Vice Chair Clark pointed out that there will be a six-month review by staff from the date the signs are installed and activated.

Commissioner McCarthy thanked the neighbors and thanked Mr. Buffa and supported the motion.

The Chair stated we do want business and development in the City and the Planning Commission is responsive.

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.

The Chair explained the appeal process.

VII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

None.

VIII. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

IX. ADJOURNMENT: NEXT SPECIAL PLANNING COMMISSION MEETING AT 6:00 P.M. ON OCTOBER 26, 2009.

There being no further business, and since the Special Planning Commission meeting of October 26 was cancelled, Chairman Righeimer adjourned the meeting at 8:49 p.m. to the Planning Commission meeting at 6:00 p.m. on November 9, 2009.

Submitted by: _____
CLAIRE FLYNN, ASSISTANT SECRETARY
COSTA MESA PLANNING COMMISSION