

**REGULAR MEETING OF THE CITY OF
COSTA MESA PLANNING COMMISSION
March 14, 2011**

These meeting minutes represent an “action minute” format with a concise summary of the meeting. A video of the meeting may be viewed on the City’s website at www.ci.costa-mesa.ca.us or purchased on DVD upon request.

I. ROLL CALL:

Present: Chair Colin McCarthy
Vice Chair Sam Clark
Commissioner Robert Dickson
Commissioner Jim Fitzpatrick
Commissioner Edward Salcedo

Absent: None.

The Chair said the presentation to Steve Mensinger will take place when he arrives at the Council Chambers.

III. PUBLIC COMMENTS:

Stephanie Barger of Earth Resource Foundation asked if the business item relating to Styrofoam could be moved up on the agenda to accommodate the high school students speaking on that item. The Commission agreed and the Chair placed the item directly in front of Public Hearing Item No. 1.

Martin Millard, Costa Mesa, asked the Commissioners to turn their attention to improving the Westside.

IV. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

During Planning Commissioner comments, Commissioner Fitzpatrick stated that staff is preparing a Planning Commission calendar noting upcoming meeting dates and Planning items.

V. CONSENT CALENDAR:

Prior to moving on the Consent Calendar items, Commissioner Fitzpatrick asked to pull Item No. 3 for discussion. The Chair asked for a motion on the remainder of the Consent Calendar.

1. Minutes for the meeting of February 14, 2011.

MOTION: Approve.

Moved by Commissioner Jim Fitzpatrick, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

2. Code Enforcement Update

MOTION: Receive and file.

Moved by Commissioner Jim Fitzpatrick, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

4. Proposed Vacation of a Portion of Saint Clair Street at 766 Saint Clair Street

MOTION: Find the proposed vacation of a portion of Saint Clair Street at 766 Saint Clair Street in conformance with the City of Costa Mesa 2000 General Plan, by adoption of Planning Commission Resolution PC-11-06, based on the evidence in the record.

Moved by Commissioner Jim Fitzpatrick, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

3. Status - Pilot Residential Neighborhood Enhancement Program

Commissioner Fitzpatrick stated he expects a qualitative assessment in 60 days and Planning Commission Secretary Khanh Nguyen agreed. The Chair and Commissioner Fitzpatrick addressed the need for increased technology and additional Code Enforcement officers.

MOTION: Receive and file.

Moved by Commissioner Jim Fitzpatrick, seconded by Vice Chair Sam Clark.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

VII. BUSINESS ITEMS:

1. Verbal presentation on Styrofoam from Earth Resource and Newport Harbor High School students.

Students from Newport Harbor High School's Surf Class spoke in support of banning Styrofoam in Costa Mesa.

Stephanie Barger, Executive Director of Earth Resource Foundation, provided additional information on the process of banning Styrofoam in the City.

Commissioner Fitzpatrick expressed interest working on a code amendment for banning Styrofoam.

There were no public comments.

Mr. Nguyen explained to the Chair that Commissioner Fitzpatrick will work with staff and Ms. Barger to bring back a proposal for the Commission to consider.

VI. PUBLIC HEARINGS:

- 1. Application No.: DA-11-01**
Site Address: 14850 Sunflower Avenue
Applicant: George Sakioka
Zone: PDC
Project Planner: Minoo Ashabi
Environmental
Determination: Exempt

Description:

Two-year review of Development Agreement DA-99-02 related to Sakioka Lot 2 for vesting development rights for a period of 20 years. (Lot 1 has been developed with 890 apartment homes; Lot 2 is vacant and no development proposal is in process.) This is a regular review to ensure that obligations of the developer are being met pursuant to the Development Agreement.

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

George Sakioka, representing Roy K. Sakioka & Sons, gave no presentation.

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

MOTION: Based on the evidence in the record, determine and find that Roy K. Sakioka & Sons has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-99-02. Moved by Vice Chair Sam Clark, seconded by Commissioner Robert Dickson.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, Commissioner Jim Fitzpatrick, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

The Chair explained the appeal process.

2. **Application No.: DR-11-01**
Site Address: 3180 Airway Avenue
Applicant: Eman Bermani
Zone: MP
Project Planner: Wendy Shih
Environmental
Determination: Exempt

Description:

Development review to construct a 25,230 square-foot maintenance building with ancillary vehicle/equipment storage and car wash areas for John Wayne Airport, in conjunction with a General Plan conformity finding for County use of property within the city limits.

Commissioner Fitzpatrick recused himself from the public hearing due to a financial conflict and left the Council Chambers.

Richard Coleman of ATI Architects & Engineers, representing Eman Bermeni, agreed to all the conditions of approval and explained the proposed project.

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

MOTION: Find the County use of the property for JWA vehicle/equipment maintenance and storage in conformance with the City of Costa Mesa 2000 General Plan and approve Development Review DR-11-01, by adoption of Planning Commission Resolution PC-11-08, based on the evidence in the record and the findings contained in Exhibit "A", subject to the conditions in Exhibit "B".

Moved by Vice Chair Sam Clark, seconded by Commissioner Robert Dickson.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: None.

Absent: None.

Recuse: Commissioner Jim Fitzpatrick

The Chair explained the appeal process.

Commissioner Fitzpatrick returned to the Council Chambers.

- 3. Application No.: ZA-10-65**
Site Address: 2666 Harbor Boulevard
Applicant: Tony Kelley
Zone: C1
Project Planner: Rebecca Robbins
Environmental
Determination: Exempt

Description:

Planned Signing Program to replace an existing 3-foot, 2-inch high by 10-foot long (31.5 square feet) electronic message sign with a new electronic changeable message sign. The proposed sign will be approximately 7-foot, 10-inch long by 3-foot, 10-inch high (30 square feet) for ACE hardware and is proposed to be located on the existing freestanding sign pole.

Mr. Nguyen explained that the Sign Ordinance will go before the Planning Commission in April or May.

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

Mark Schulein, President of Ace Hardware, said he proposes to replace the existing sign at the project site with a more energy efficient LED sign.

Ed Wasserman, Daktronics, explained in detail the features of the proposed LED sign.

Ed Fawcett, Costa Mesa Chamber of Commerce, spoke in favor of the project.

Mr. Schulein agreed to all the conditions of approval.

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

Commissioner Fitzpatrick suggested postponing this public hearing item until after the Sign Ordinance is adopted.

The Chair re-opened the public hearing to ask Mr. Schulein additional questions and then closed the public hearing.

MOTION: Approve Zoning Application ZA-10-65, by adoption of Planning Commission Resolution PC-11-09, based on the evidence in the record and the findings contained in Exhibit "A", subject to conditions in Exhibit "B", with modifications to Findings "A" and "B", and the addition of a new condition, No. 11, adopted as follows:

FINDINGS

A. The proposal 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 not create visual clutter in the community. The proposed LED sign will not significantly impact the future senior housing project located across Harbor Boulevard to the northwest of the Ace Hardware property.**
- **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. 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 (requiring the duration between images to be no shorter than 4 seconds, images displayed to be advertising for on-site tenants with no third party advertising, and requiring the LED sign be gradually dimmed to black between 9:00 p.m. and 10:00 p.m. and off from 10:00 p.m. to 6:00 a.m.), will minimize any adverse impacts of the proposed LED sign to vehicle traffic and surrounding properties. Additionally, the proposed LED sign will be more energy efficient than the existing changeable copy sign.**

CONDITIONS OF APPROVAL

- 11. The LED sign shall be gradually dimmed to black between 9:00 p.m. and 10:00 p.m. and off from 10:00 p.m. to 6:00 a.m.**

Moved by Vice Chair Sam Clark, seconded by Commissioner Edward Salcedo.

During discussion on the motion, Mr. Schulein agreed to the additional condition, No. 11.

Commissioner Fitzpatrick stated he would not support the motion without an updated Sign Ordinance.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: Commissioner Jim Fitzpatrick

Absent: None.

The Chair explained the appeal process.

II. PRESENTATION TO STEPHEN MENSINGER

The Chair presented a proclamation to Steve Mensinger in honor of his service to the City and Mr. Mensinger spoke in acceptance of the proclamation.

VI.4. Application No.: ZA-11-03
Site Address: 1870 Harbor Blvd. and
1875 Newport Blvd.
Applicant: Peter Buffa
Zone: PDC
Project Planner: Mel Lee
Environmental
Determination: Exempt

Description:

Amendment to Triangle Square's Planned Signing Program to allow the following: (1) Vinyl Lifestyle Graphics and Signage within the former Niketown Dome Band Area. The display of a professionally-installed, changeable vinyl sign around the entire former "Niketown" dome band area. The vinyl signage will include lifestyle graphics throughout the dome band area and actual sign area (business name, logo, slogans, etc.) limited to a maximum sign area of 600 sq. ft.; and (2) Overall net increase of 722 sq. ft. of additional sign area for the center. An increase in the maximum allowable sign area for the entire center by approximately 722 sq. ft. (2,445 sq. ft. allowed; 3,167 sq. ft. proposed). This increase accounts for the additional sign area requested as follows:

- A net increase of 372 sq. ft. within the dome band area (228 sq. ft. existing; 600 sq. ft. proposed); and**
- An increase of 350 sq. ft. in overall permanent center signage to be distributed among the major tenants.**

Peter Buffa, authorized agent for Greenlaw Partners, gave a detailed presentation on the proposed amendment to Triangle Square's Planned Signing Program.

James Camp, Greenlaw Partners, spoke about the current tenants at Triangle Square and explained their desire to lease the Niketown site to bring in revenue.

Beth Refakes, Costa Mesa, expressed concern that the advertising on the Niketown dome would be a distraction and would look cluttered.

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

Commissioner Fitzpatrick said this public hearing item should be considered after the Sign Ordinance is adopted.

The Chair re-opened the public hearing to question Mr. Buffa relating to the full Planned Sign Program.

Mr. Buffa stated he would leave out the lifestyle graphics portion of the amendment.

The Chair closed the public hearing.

Commissioner Fitzpatrick reiterated the need for an updated Sign Ordinance.

MOTION: Approve Zoning Application ZA-11-03 (Dome Band signage only), by adoption of Planning Commission Resolution PC-11-10, based on the evidence in the record and subject to the conditions in Exhibit "B", as amended below:

As consented by the applicant at the March 14, 2011 public hearing, the approval of Zoning Application ZA-11-03 shall be valid for a one-year period until March 14, 2012, unless a subsequent application for a comprehensive amendment to the Planned Signing Program is submitted to the City for review and approval. In that case, the approval of Zoning Application ZA-11-03 shall continue to be valid until there is final action on the subsequent application for a new, comprehensive Planned Signing Program.

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

During discussion on the motion, Deputy City Attorney Christian Bettenhausen stated for the record that in terms of limiting the scope of approvals, this is only applicable up to the time the ordinance is considered by the City Council.

Mr. Buffa agreed with the motion.

The motion carried by the following roll call vote:

Ayes: Chair Colin McCarthy, Vice Chair Sam Clark, Commissioner Robert Dickson, and Commissioner Edward Salcedo

Noes: Commissioner Jim Fitzpatrick

Absent: None.

The Chair explained the appeal process.

VII. BUSINESS ITEMS:

2. Nominations for 2010 Planning Commission Design Awards and Mesa Green Design Awards.

The Planning Commission selected the nominated projects, which include Newport-Mesa RV, Boat and Equipment Storage; Costa Mesa Courtyards Shopping Center (Renovation); Mother's Market (Custom Bike Rack, Landscape Design, and Business Design - Daylighting); and Davis Magnet School (Learning Garden and EcoLab) to be recipients of the Mesa Green Design Award for 2011.

No motion was made.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

Mr. Nguyen noted the Special Joint Study Session on March 29 has been cancelled.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

None.

X. ADJOURNMENT:

There being no further business, Chairman McCarthy adjourned the meeting at 9:08 p.m. to the following:

- **PLANNING COMMISSION STUDY SESSION ON MARCH 21, 2011 AT 5:30 P.M.**
- **SPECIAL JOINT STUDY SESSION OF THE CITY COUNCIL, THE PLANNING COMMISSION, AND THE PARKS AND RECREATION COMMISSION ON MARCH 29, 2011 AT 6:00 P.M.**
- **NEXT PLANNING COMMISSION MEETING ON APRIL 11, 2011 AT 6:00 P.M.**

Submitted by: _____

KHANH NGUYEN, SECRETARY
COSTA MESA PLANNING COMMISSION