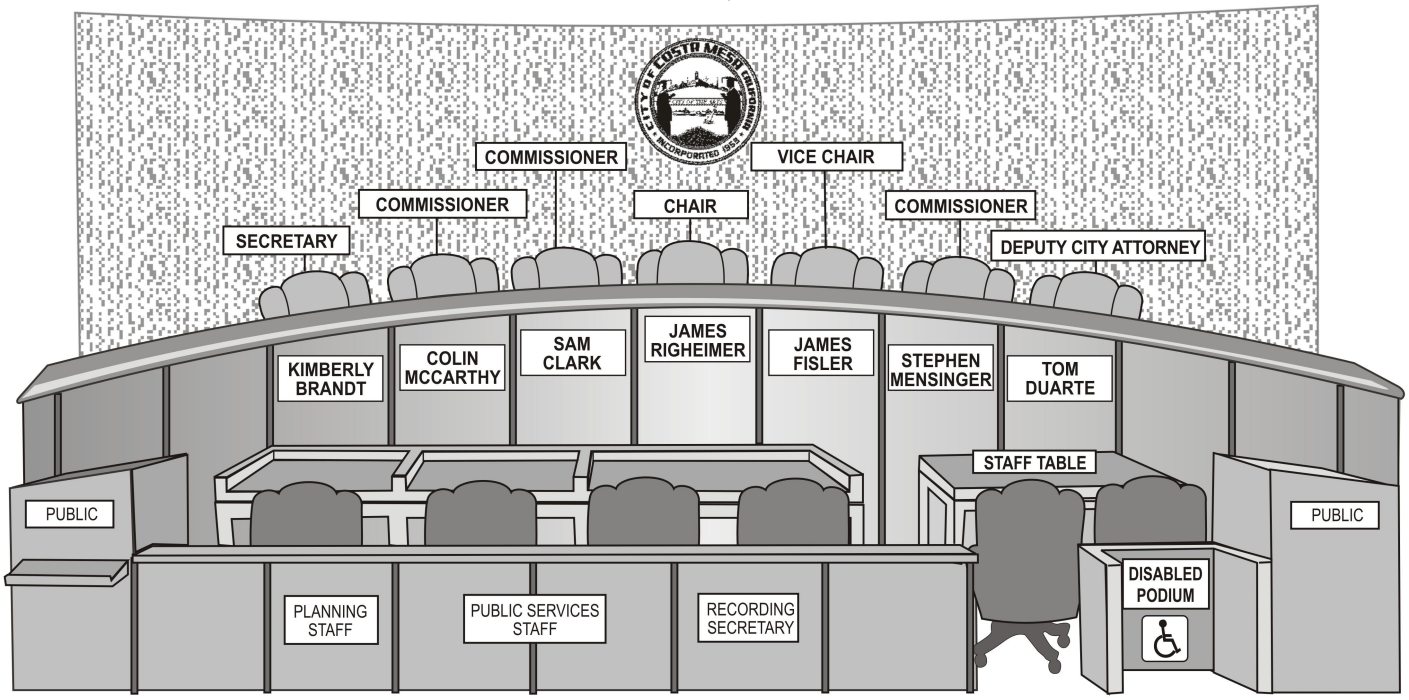
Planning Commission Agenda

Meeting Begins At 6:30 p.m.

APRIL 27, 2009



WELCOME TO THE COSTA MESA PLANNING COMMISSION

Planning Commission Meetings

Costa Mesa Planning Commission meets the second and fourth Monday of each month at 6:30 p.m. in the Council Chambers at City Hall, 77 Fair Drive. All Planning Commission meetings are open to the public.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Planning Division at (714) 754-5245.

The Planning Commission and staff hold an Agenda Review Study Session at 5:30 p.m., prior to the regular meeting, in the Conference Room 1A. This session is open to the public. Each member of the public will be given the opportunity to speak for one (1) minute on study session items. A maximum overall time of ten (10) minutes will be permitted for public comments. The agenda for the study session is the same as the agenda for the regular meeting. Note that no action may be taken by the Planning Commission prior to the 6:30 p.m. meeting.

Agenda Reports

Written reports are available for all items on this agenda. Reports may be obtained in the office of the Development Services Department, Planning Division, on the second floor of City Hall, 77 Fair Drive, Costa Mesa or on the City's web site at www.ci.costa-mesa.ca.us. For further information regarding items on this agenda, including results of Planning Commission action, please call (714) 754-5245. Agenda-related written communications or documents provided to a majority of the Planning Commission after distribution of the Planning Commission Agenda Packet are available for public review in 3-ring binders located at the Planning Division Counter at City Hall located on the second floor during normal business hours and at the Council Chambers entrance during the meeting. In addition, such writings and documents may be posted, whenever possible, as part of the agenda, on the City's website at www.ci.costa-mesa.ca.us.

Any written communications or documents provided to the Planning Commission by a member of the public regarding any item on this agenda during the meeting will be made available for public review on the following business day at the Planning Division Counter at City Hall located on the second floor.

Planning Commission Membership

The Planning Commission consists of five members appointed by the City Council. The Commissioners are residents of Costa Mesa and are appointed for four-year terms. The Chair and the Vice-Chair are elected by the Planning Commission to serve two-year terms.

Planning Commission Authority

The Planning Commission functions as an advisory body to the City Council on issues related to the long-term growth and development of the community. In this regard the Planning Commission holds public hearings and provides recommendations to the Council on requests for general plan amendments, rezones, specific plans, environmental impact reports and amendments to the City's Zoning Ordinance. The Commission also acts as an advisory body to the Redevelopment Agency for projects located in the Redevelopment Area.

The Planning Commission has authority to take final action on a variety of Planning Applications, including conditional use permits, variances, planned development projects, and tentative tract and parcel maps. Commission action on these items becomes final in seven days unless appealed to the City Council.

Public Hearing Process

For each agenda item, the Planning Staff will present a brief description of the request and a recommendation for Planning Commission action. The Commissioners will then have the opportunity to question staff. The applicant or authorized agent will then be invited to make a presentation and to respond to any questions from the Commission. Members of the audience wishing to speak in favor or in opposition, will then be invited by the Chair to provide testimony. At the conclusion of the public testimony, the Chair will close the public hearing and the Commission will discuss and take action on the request. No additional testimony can be given after the public hearing is closed.

Those wishing to speak on an item are asked to come forward to the podiums on either side of the Chambers; to speak into the microphone, and state their name and address for the record. To ensure accuracy of the record, speakers are also asked to complete a Registration Card and to give this card to the Recording Secretary prior to leaving the Chambers.

The Planning Commission is eager to hear all persons wishing to give testimony. Therefore, the Commission respectfully requests that all speakers limit their comments to the item under consideration and that each new speaker add new information and not repeat points which previous speakers have made. The Chair may establish time limits on individual speakers for those items for which a large number of people are anticipated to provide testimony.

Members of the audience who wish to speak on any item NOT on the agenda will be invited to come forward during the "Public Comments" portion of the agenda.

Appeal Procedure

Unless otherwise indicated on the agenda, the decision of the Planning Commission is final at 5:00 p.m., seven (7) days following the action, unless an aggrieved party files: (1) an application for rehearing by the Planning Commission, or (2) an appeal to the City Council, or (3) a member of City Council requests a review of the action. Applications for appeals or rehearings are available in the Planning Division and in the City Clerk's office. For further information, please call (714) 754-5245.

E-mail Address

You may e-mail comments to the Planning Commission at PlanningCommission@ci.costa-mesa.ca.us.

List of Acronyms

Please see last page of agenda.

Costa Mesa

PLANNING COMMISSION MEETING OF MONDAY - APRIL 27, 2009 AT 6:30 P.M. AGENDA

I. PLEDGE OF ALLEGIANCE TO THE FLAG.

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

III. MINUTES: Minutes for the meeting of April 13, 2009

IV. PUBLIC COMMENTS:

To ensure fair and equal treatment of all who appear before the Planning Commission, and to expedite City business, speakers may be limited to three minutes during Public Comments to speak on any item within the Planning Commission's jurisdiction, which is not listed on the Agenda. This time may be extended for good cause by the Chair or by majority vote of the Planning Commission.

V. PLANNING COMMISSIONER COMMENTS AND SUGGESTIONS:

(a) Chair James Righeimer
(b) Vice Chair James Fisler
(c) Commissioner Sam Clark
(d) Commissioner Colin McCarthy
(e) Commissioner Stephen Mensinger

VI. CONSENT CALENDAR:

All matters listed under the Consent Calendar are considered to be routine and will be acted upon in one motion. There will be no separate discussion of these items unless members of the Planning Commission, staff, or the public request specific items to be discussed and/or removed from the Consent Calendar for discussion. Items removed from the Consent Calendar will be discussed and voted upon immediately following Planning Commission action on the remainder of the Consent Calendar.

Members of the public who wish to discuss Consent Calendar items should come forward to the microphone upon invitation by the Chair, state their name, city in which they reside, and item number to be addressed.

1.	**2000 General Plan Conformity Resolution**, a resolution of the Planning Commission finding the proposed City of Costa Mesa 2009-2010 Capital Improvement Program is in conformity with the 2000 General Plan.	Find the City's proposed 2009-10 Capital Improvement Program in conformity with the 2000 General Plan.

VII. PUBLIC HEARINGS:	RECOMMENDATIONS:
1. **Extension of time for Planning Application PA-07-03**, for Keith Scheinberg/The Maximillian Group, LLC, to convert six apartment units to a one-lot airspace residential common interest development, located at 173 Broadway, in an R2-HD zone. Environmental determination: exempt.	Approve by adoption of Planning Commission resolution, subject to conditions.
2. **Review of Zoning Administrator's approval of Zoning Application ZA-09-12**, for John Puente, authorized agent for June O'Connor, for a minor conditional use permit for an IN-N-OUT Burger Restaurant open until 1:00 a.m. weekdays and 1:30 a.m. weekends with drive-through and outdoor seating within 10 feet of the drive-through lane; an administrative adjustment to allow a 12-foot landscape setback along Gisler Avenue (20 feet required); and a minor modification to allow a 16-foot setback along a portion of the Harbor Boulevard frontage (20 feet required), located at 3211 Harbor Boulevard, in a C1 zone. Environmental determination: exempt.	Uphold, reverse, or modify Zoning Administrator's decision by adoption of Planning Commission resolution, subject to conditions.
3. **Review of Zoning Administrator's approval of Zoning Application ZA-09-13**, for John Puente, authorized agent for June O'Connor, for a Planned Signing Program for IN-N-OUT Burger Restaurant, located at 3211 Harbor Boulevard, in a C1 zone. Environmental determination: exempt.	Uphold, reverse, or modify Zoning Administrator's decision by adoption of Planning Commission resolution, subject to conditions.
4. **Zoning Code Amendment CO-09-04**, to prohibit any type of "commercial mascots," including sign spinners. Environmental determination: exempt.	Recommend to City Council that the draft ordinance be given first reading.
5. **Zoning Code Amendment CO-09-05**, to modify the definition of "landscaping" in the Zoning Code (Title 13) and add the definition to the Property Maintenance Code (Title 20). Environmental determination: exempt.	Recommend to City Council that the draft ordinance be given first reading.

6.	**Conditional Use Permit PA-09-09**, for Peter Buffa, authorized agent for Penjoyan Family Trust, to allow live entertainment, consisting of singers with acoustic guitars and a karaoke machine, for a restaurant (Skosh Monahan's), located at 2000 Newport Boulevard, in a C1 zone. Environmental determination: exempt.	Approve by adoption of Planning Commission resolution, subject to conditions.
7.	**Review, modification, and/or revocation of Planning Application PA-08-27-1**, a conditional use permit for ancillary pawn broker services in conjunction with a watch and jewelry store, located at 1808 Newport Boulevard, in a C2 zone. Environmental determination: exempt.	Revoke by adoption of Planning Commission resolution.

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

X. ADJOURNMENT TO THE MEETING OF MONDAY, MAY 11, 2009.

PLANNING TERMS & ACRONYMS

ADT Average Daily Traffic: The measure of the average volume of traffic in both directions on a particular street during a 24-hour period.

ALUC Airport Land Use Commission: The County commission which coordinates compatible zoning and land uses adjacent to John Wayne airport.

AQMD Air Quality Management District: A regional agency which has the responsibility of monitoring air quality and the authority to adopt and enforce all rules and regulations necessary to control nonvehicular sources of air contaminants.

CEQA* California Environmental Quality Act: This act requires all state and local agencies to consider the environmental impact of any discretionary project proposed.

CNEL Community Noise Equivalent Level: An acoustical scale used as a measure of noise annoyance. In Costa Mesa, the maximum outdoor residential standard is 65 CNEL, and 45 CNEL is the indoor residential standard.

CUP Conditional Use Permit: The Planning Commission may grant a conditional use permit to certain uses identified in the Zoning Code that require individual review and consideration because of their location in relation to other sensitive uses (i.e., proximity to residences), or their operational characteristics (i.e., business hours). A CUP cannot be used to permit a land use not allowed by the Zoning Code or inconsistent with the General Plan.

dBA Decibel, A-weighted: The loudness of sound is measured in units of noise called decibels (dB). When this measure is modified by what is called an "A-weighting," abbreviated dBA, it corresponds more closely to what the human ear can hear.

DR Development Review: The Planning Division reviews plans for certain types of development in multiple-family residential, industrial, and commercial zones. Approval under this process must be granted before building permits may be issued.

EIR Environmental Impact Report: An informational document required by CEQA, which provides a detailed statement of the environmental effects of a proposed project. Its purpose is to provide information to the decision-makers and the general public so that a project's significant effects on the environment can be evaluated; the methods of reducing adverse impacts identified; and the alternatives to proposed project considered.

FAR Floor Area Ratio: The gross floor area of a building or project divided by the project lot area upon which it is located.

LAFCO* Local Agency Formation Commission: A board established within each county with the power and duty to approve or disapprove the annexation of territory to cities. LAFCO determines the "sphere of influence" (a plan for the ultimate physical boundaries and services area) of each city within a county.

NOP Notice of Preparation: A brief notice sent by the City stating it plans to prepare an Environmental Impact Report (EIR) for a proposed project.

OCFCD Orange County Flood Control District: The agency responsible for studies, plans, and construction-related activities for flood control channels.

OCTA Orange County Transportation Authority: The agency responsible for public transportation in Orange County. It is also responsible for county-wide transportation planning, funding, and construction of major regional projects.

PA Planning Application: In order to give flexibility to the City's comprehensive zoning regulations, some exceptions are allowed by the Planning Commission. These exceptions are classified as variances or conditional use permits. On approving such an exception, the Commission may impose reasonable conditions to the use of the property. In Costa Mesa, planning application is identified by an application number such as PA-99-01. The "PA" identifies the application as a Planning Application, the "99" identifies the year in which the application was filed, and "01" indicates that this was the first application in 1999.

SCAG* Southern California Association of Governments: A regional intergovernmental organization composed or representatives from eligible cities and the six eligible counties (Orange, Los Angeles, San Bernardino, Ventura, Imperial, and Riverside).

SCAQMD Southern California Air Quality Management District (see "AQMD")

SRO Single Room Occupancy Development: These efficiency room residential hotels are rented primarily on a monthly basis, for the purpose of providing individuals and small households of low income, low cost housing that is easily accessible to services and employment opportunities.

TAZ Traffic Analysis Zone: The City of Costa Mesa is divided into 176 traffic analysis zones, or TAZs, which form the level of analysis for recording land use and demographic data. The land use information is then used for traffic forecasting and analysis.

TE (Vehicle) Trip Ends: A one-way vehicular journey to or from a site, or totally within the site, i.e., internal trip. Each trip has 2 trip ends, one at the beginning and the other at the destination.

UBC Uniform Building Code: This code contains the national standards and regulations pertaining to fire, life, and structural safety aspects of all buildings and related structures. All building permits must comply with these requirements.

VARIANCE Variance: A permit granted by the Planning Commission when the strict application of a zoning standard creates a unique hardship for a landowner because his or her parcel is different from other property in the vicinity under an identical zoning classification due to size, shape, topography, location, or surroundings. A variance cannot be used to approve a use not authorized by the Zoning Code or inconsistent with the General Plan.

ZA Zoning Administrator: This person performs reviews of specific discretionary projects that are not subject to Planning Commission review. The Development Services Director or his designee is authorized to act as the Zoning Administrator.

*These acronyms are pronounced as if the letters spelled a word, while most acronyms are pronounced as a string of individual letters.