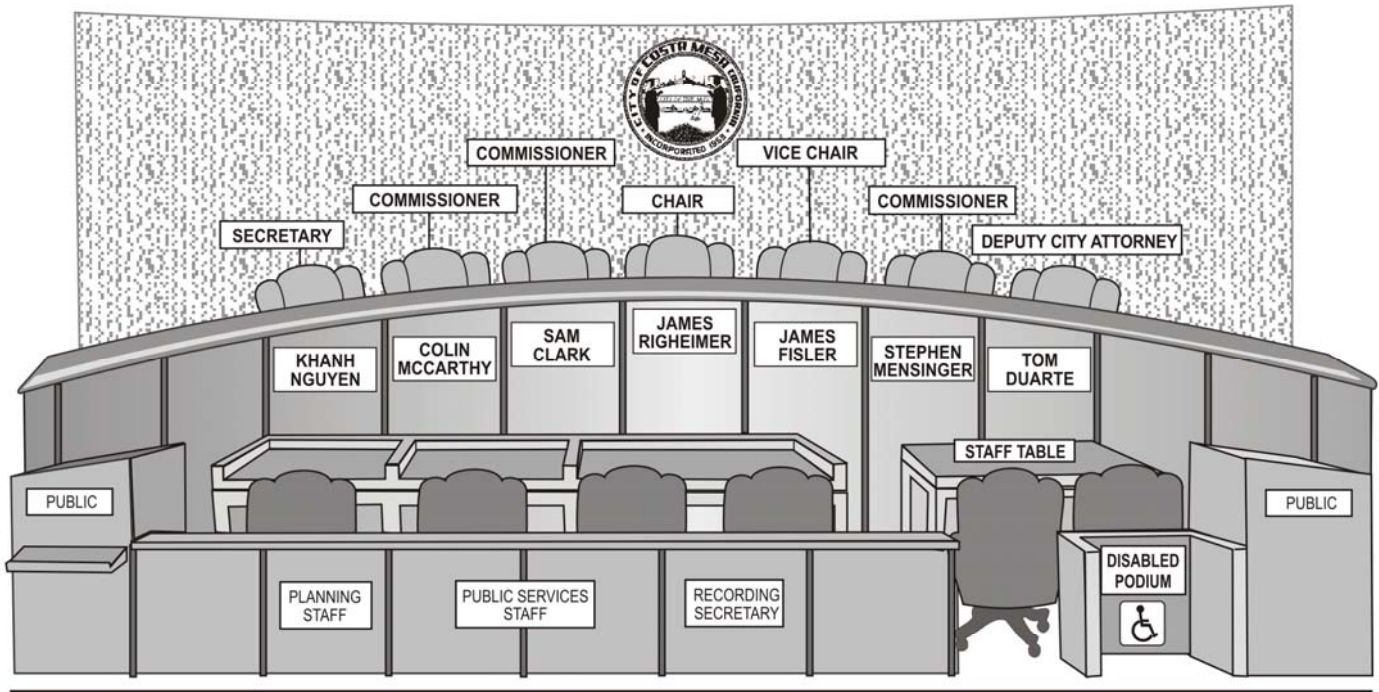


Planning Commission Agenda

Meeting Begins At 6:00 p.m.

JULY 13, 2009



WELCOME TO THE COSTA MESA PLANNING COMMISSION

Planning Commission Meetings

Costa Mesa Planning Commission meets the second Monday of each month at 6:00 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 6:00 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 general public testimony, the Chair will give the applicant the opportunity to make any additional comments. Afterward receiving the applicant's final comments, 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.



**PLANNING COMMISSION MEETING OF
MONDAY- JULY 13, 2009 AT 6:00 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. 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.

IV. 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

V. 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. **Minutes for the meeting of June 8, 2009** Approve.
- 2. [Regular Planning Commission meetings scheduled for once a month.](#) Approve by adoption of Planning Commission resolution.

VI. PUBLIC HEARINGS:

1. [From the meeting of June 8, 2009, Appeal of Zoning Administrator's denial of Zoning Application ZA-09-16,](#) for David Cabrinah, authorized agent for Shahram Rahimian, for a minor conditional use permit to legalize four beverage dispensers and other miscellaneous items outside the cashier booth at the Costa Mesa Oil Company Gas Station, located at 2281 Newport Boulevard, in a C2 zone. Environmental determination: exempt.

2. [Extension of time for Planning Application PA-07-19,](#) for Waterpointe Development, authorized agent for Richard and John Dick, for a Design Review for a 7-unit, two-story, single-family detached, small-lot residential common-interest development including: (a) administrative adjustment from the front setback requirement (20 ft. required; 13 ft. proposed); (b) minor modification from 2nd floor rear setback (20 ft. required; 16 ft. proposed) and minor modification for 8-foot tall block wall along front property line (6 ft. allowed; 8 ft. proposed); and (c) deviation from Residential Design Guidelines for second-to-first floor ratio (80% maximum recommended; 92% proposed) and second floor left side setback (10 ft. average recommended; 5 ft. average proposed); located at 351 W. Bay Street, in an R2-MD zone. Environmental Determination: exempt.

3. [Extension of time for Final Master Plan PA-02-33 and Vesting Tentative Parcel Map PM-03-250,](#) for Maguire Properties, LP, authorized agent for Maguire Properties-Pacific Arts Plaza LLC. The time extension will apply to the following applications: (1) Final Master Plan PA-02-33, for the construction of an 18-story, 400,000 sq. ft. office building located at

RECOMMENDATIONS:

Uphold, reverse, or modify Zoning Administrator's decision by adoption of Planning Commission resolution.

Approve by adoption of Planning Commission resolution, subject to conditions.

Approve by adoption of Planning Commission resolution, subject to conditions.

3201 Park Center Drive and a 5-level, 770-space parking structure, inclusive of a previously-approved variance to the street setback requirement for the parking structure located at 3200 Bristol Street; and (2) Vesting Tentative Parcel Map PM-03-250 to subdivide approximately 20 acres into 14 parcels (10 for building footprints and 4 for common areas) for Pacific Arts Plaza Development (3200 Bristol Street; 3199, 3200, 3201, and 3210 Park Center Drive; 601, 611, 633, 655, and 675 Anton Boulevard), in a TC zone. Environmental determination: Final Program EIR No. 1047 (certified in February 2001) and Mitigated Negative Declaration for the 18-story high-rise building (approved in October 2002).

4. [Extension of time for PA-07-02](#), for Erick Van Wechel, authorized agent for Harmony Way of Costa Mesa LLC, for a Master Plan for a 30-unit single-family, detached common-interest development, located at 372, 378, and 382 Victoria Street, in a PDR-HD zone. Environmental determination: exempt. Approve by adoption of Planning Commission resolution, subject to conditions.

5. [Parcel Map PM-09-106](#), for Pascal Apotheloz/DRC, authorized agent for South Coast Trade Center 1 LP, for a tentative parcel map to facilitate four additional ownership units within an existing commercial condominium development (South Coast Home Furnishings Center), located at 3033 Hyland Avenue, in a PDI zone. Environmental determination: exempt. Approve by adoption of Planning Commission resolution, subject to conditions.

6. [Zoning Application ZA-09-24](#), for Vicki Green/The Sheldon Group, authorized agent for Trinity Christian Center, to modify previously-approved conditions of residential use permit PA-98-24 to allow special events and on-site food preparation no earlier than 7:00 a.m., and to remove the requirement for continuous noise monitoring in conjunction with Approve by adoption of Planning Commission resolution, subject to conditions.

outdoor filming activities, located at 3150
Bear Street, in an AP zone.
Environmental determination: exempt.

VII. NEW BUSINESS

- 1. Discussion of Planning Commission Member Fees (Stipend) for FY 2009-2010.**

VIII. REPORT OF THE DEVELOPMENT SERVICES DEPARTMENT.

IX. REPORT OF THE CITY ATTORNEY'S OFFICE.

X. ADJOURNMENT TO THE MEETING OF MONDAY, AUGUST 10, 2009.

PLANNING TERMS & ACRONYMS

ADT	<u>Average Daily Traffic</u> : The measure of the average volume of traffic in both directions on a particular street during a 24-hour period.
ALUC	<u>Airport Land Use Commission</u> : The County commission which coordinates compatible zoning and land uses adjacent to John Wayne airport.
AQMD	<u>Air Quality Management District</u> : 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*	<u>California Environmental Quality Act</u> : This act requires all state and local agencies to consider the environmental impact of any discretionary project proposed.
CNEL	<u>Community Noise Equivalent Level</u> : 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	<u>Conditional Use Permit</u> : 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	<u>Decibel, A-weighted</u> : 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	<u>Development Review</u> : 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	<u>Environmental Impact Report</u> : 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	<u>Floor Area Ratio</u> : The gross floor area of a building or project divided by the project lot area upon which it is located.
IBC	<u>International Building Code</u> : 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.
LAFCO*	<u>Local Agency Formation Commission</u> : 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	<u>Notice of Preparation</u> : A brief notice sent by the City stating it plans to prepare an Environmental Impact Report (EIR) for a proposed project.
OCFCD	<u>Orange County Flood Control District</u> : The agency responsible for studies, plans, and construction-related activities for flood control channels.
OCTA	<u>Orange County Transportation Authority</u> : 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	<u>Planning Application</u> : 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*	<u>Southern California Association of Governments</u> : A regional intergovernmental organization composed of representatives from eligible cities and the six eligible counties (Orange, Los Angeles, San Bernardino, Ventura, Imperial, and Riverside).
SCAQMD	<u>Southern California Air Quality Management District</u> (see "AQMD")
SRO	<u>Single Room Occupancy Development</u> : 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	<u>Traffic Analysis Zone</u> : 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	<u>(Vehicle) Trip Ends</u> : 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.
VARIANCE	<u>Variance</u> : 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	<u>Zoning Administrator</u> : 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.