



CITY COUNCIL AGENDA REPORT

MEETING DATE: MAY 3, 2005

ITEM NUMBER:

SUBJECT: APPEAL OF CONDITIONAL USE PERMIT PA-04-49
814 W. 19TH STREET

DATE: APRIL 21, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: MEL LEE, AICP, SENIOR PLANNER

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER
(714)754-5611

RECOMMENDATION:

Conduct a public hearing and adopt resolution either upholding, reversing, or modifying Planning Commission's decision.

BACKGROUND:

The applicant is requesting approval of a conditional use permit to establish a contractor's business.

On April 11, 2005, Planning Commission, on a 4-1 vote, approved the request (Commissioner Egan voted no). On April 15, 2005, an appeal of the Planning Commission's decision was filed by Council Member Dixon.

ANALYSIS:

The subject building is currently occupied by Faulkner's Lawnmower Shop, which provides sales and repair of lawnmower equipment. The applicant is proposing to operate a contractor's business within the building. According to the applicant, the front portion of the existing building would be used for office space for the applicant's construction contractor's business; the rear portion of the existing building would be used for storage of construction materials. The applicant had also proposed outdoor storage at the rear of the site, which was not approved by the Commission.

The appeal states that the proposed contractor's use is:

1. Inconsistent and incompatible with existing zoning and uses in the surrounding area; and

2. Inconsistent and in conflict with the City Council's direction regarding the change of land uses on the Westside in general, and the proposed Mixed-Use, Commercial-Residential Hybrid Zone for this portion of West 19th Street, specifically.

The Commission determined that with the deletion of the proposed outdoor storage, the proposed use would be more compatible with the surrounding commercial uses than the current business, where lawnmowers and other equipment are permitted to operate outside of the building. The property is approximately 270 feet from the nearest residentially-zoned property to the west of the site. Conditions of approval were incorporated to minimize adverse impacts on the adjacent properties, including a condition requiring that the use be conducted in a manner that will allow the quiet enjoyment of the surrounding neighborhood.

ALTERNATIVES CONSIDERED:

City Council may consider the following alternatives:

- (1) Uphold Planning Commission's decision to approve the use; or
- (2) Reverse Planning Commission's decision and deny the use. If the City Council wishes to deny the use, modifications to the findings will need to be made.

FISCAL REVIEW:

Fiscal review is not necessary.

LEGAL REVIEW:

Legal review is not necessary.

CONCLUSION:

Planning Commission approved the project, minus the outdoor storage, because the proposed use would not be disruptive to surrounding properties or uses.



MEL LEE, AICP
Senior Planner



DONALD D. LAMM, AICP
Deputy City Mgr./Development Svs. Dir.

DISTRIBUTION: City Manager
City Attorney
City Clerk (2)
Staff (4)
File

Michael D. Faulkner
944 Cedar Place
Costa Mesa, CA 92627

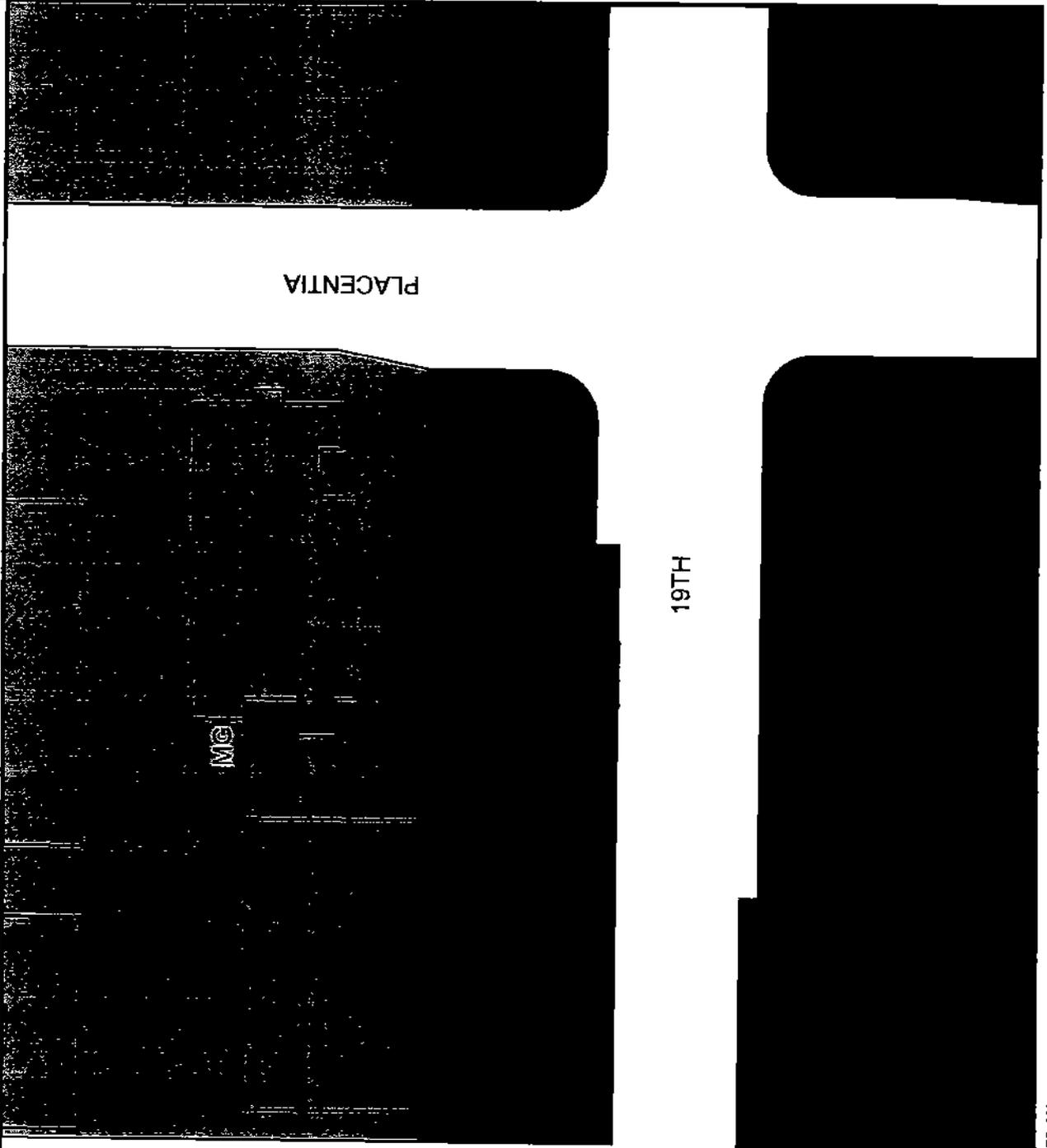
Norman Dias
203 Susannah Place
Costa Mesa, CA 92627

- ATTACHMENTS:
1. Location Map
 2. Plans
 3. Draft City Council Resolution
 4. Exhibit "A" Draft Findings
 5. Exhibit "B" Conditions of Approval
 6. Appeal
 7. Minutes from Planning Commission Meetings of
March 14, 2005 and April 11, 2005
 8. Planning Staff Reports And Attachments
 9. Planning Commission Resolution

File Name: 050305PA0449APPEAL	Date: 042005	Time: 1045a.m.
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ZONING/LOCATION MAP

PA-04-49



Legend

Street Names

Parcel Lines

Zoning

- AP
- C1
- C1-S
- C2
- CL
- T&R
- T&R-S
- MG
- MP
- P
- PDC
- PDI
- PDR-HD
- PDR-LD
- PDR-MD
- PDR-NCM
- R1
- R2
- R2-HD
- R2-MD
- R3
- TC
- Dwelling General

General Plan Specific Land

Parcels



814 W. 19TH STREET

Legend

Street Names

Parcel Lines

Dwelling

General

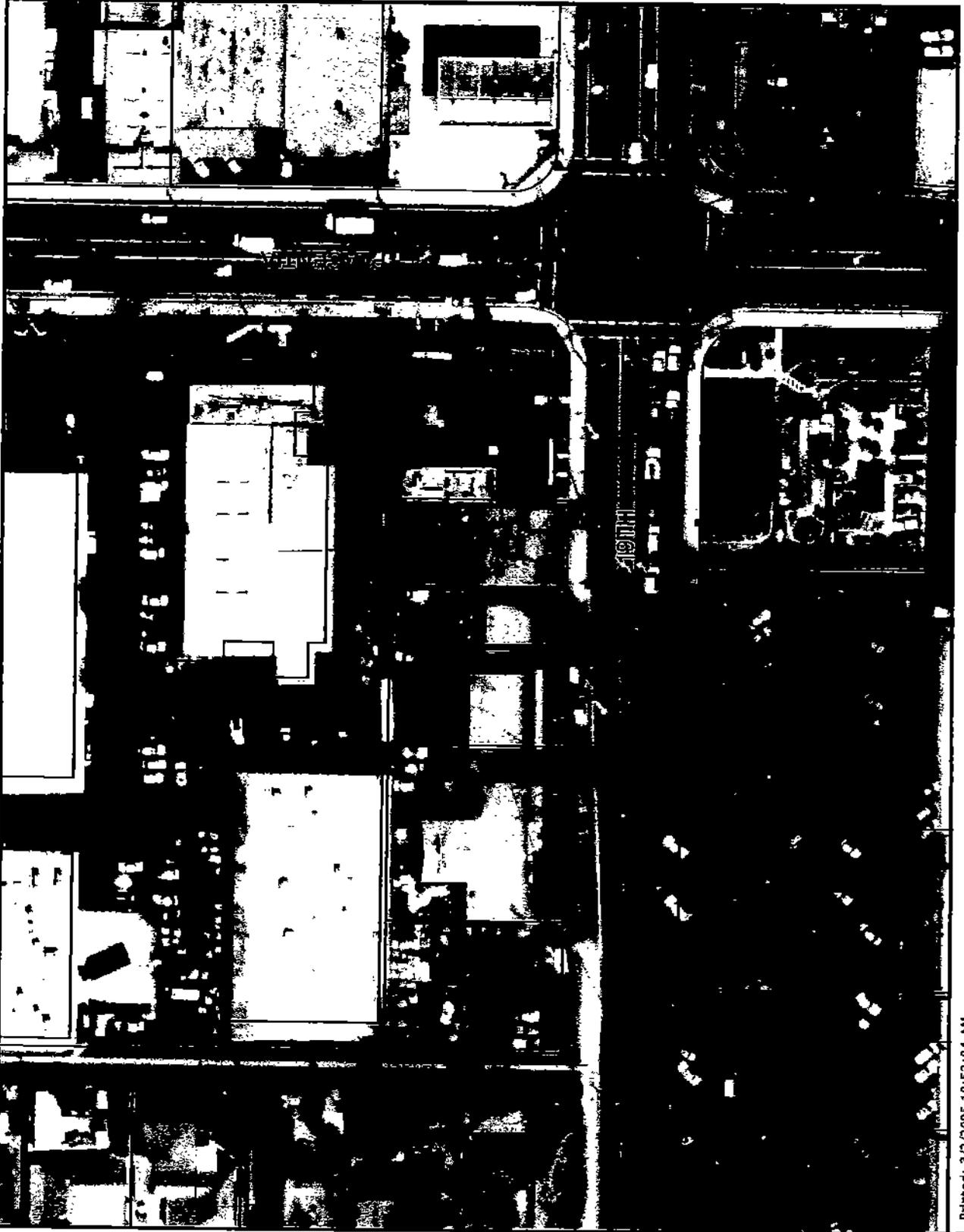
General Plan

Specific Land

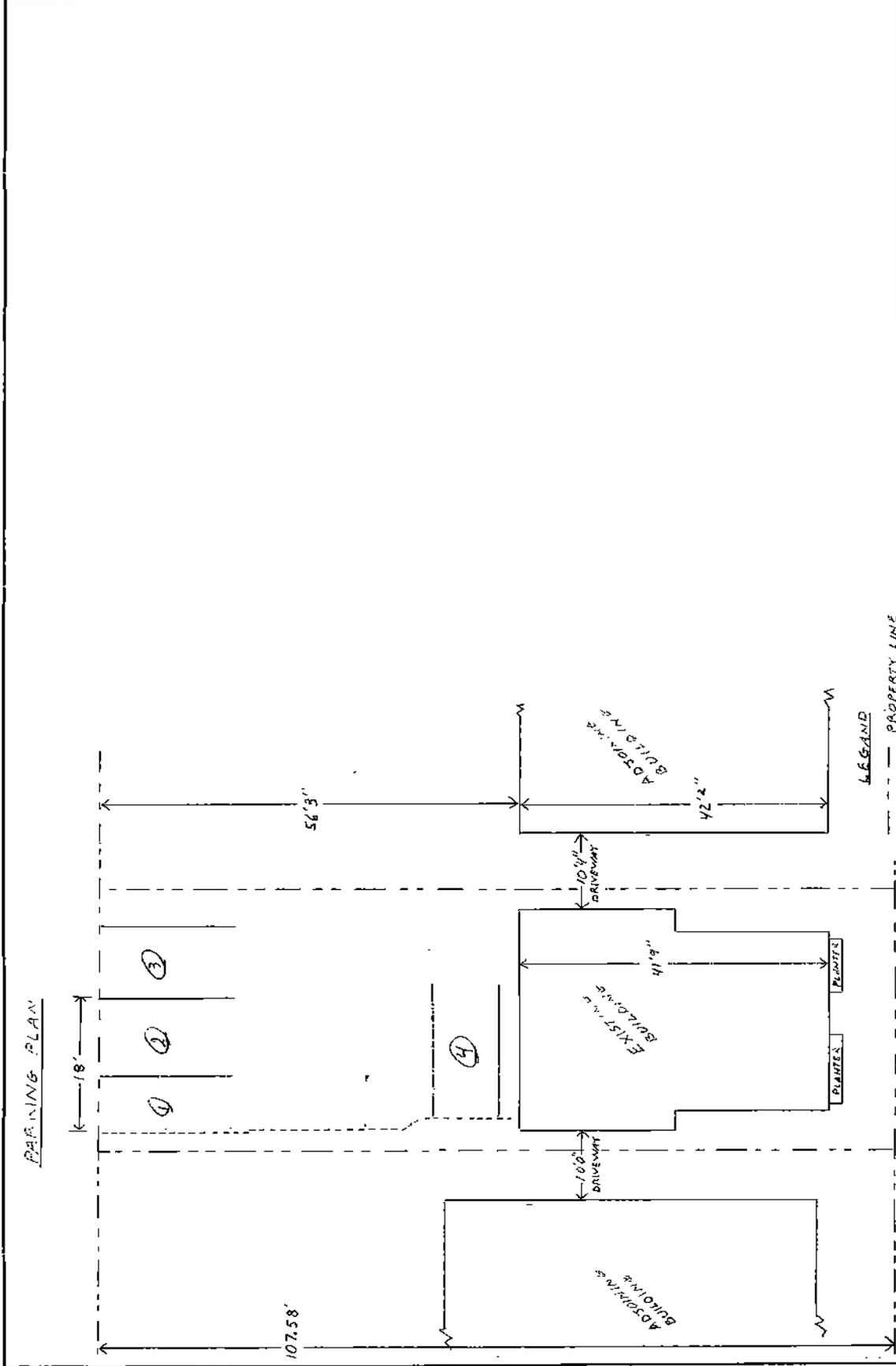
Ortho

Photography

Parcels



NORMAN R. DIAS (PH) 450-2593	
SCALE: 1/8" = 1'	DRAWN BY: N.R.A.
DATE: 1-29-03	PROJECT:
BIVAN, 1722 STREET COSTA MESA	
OFFICES + STORAGE	



PARKING PLAN

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COSTA MESA APPROVING CONDITIONAL USE
PERMIT PA-04-49**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by Norman Dias, authorized agent for Michael D. Faulkner, with respect to the real property located at 814 W. 19th Street, requesting approval of a conditional use permit to establish a contractor's business; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 14, 2005; and continued to the meeting of April 11, 2005; and

WHEREAS, on April 15, 2005, PA-04-49 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on May 3, 2005.

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", and subject to the conditions contained in Exhibit "B", the City Council hereby **APPROVES** PA-04-49 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this resolution is expressly predicated upon the activity as described in the staff report for PA-04-49 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". Should any material change occur in the operation, or should the applicant fail to comply with the conditions of approval, then this resolution, and any recommendation for approval herein contained, shall be deemed null and void.

PASSED AND ADOPTED this 3rd day of May, 2005.

Mayor of the City of Costa Mesa

APPROVED AS TO FORM:

ATTEST:

Deputy City Clerk of the City of
Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. _____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the _____ day of _____, 2005.

IN WITNESS WHEREOF, I have herby set my hand and affixed the Seal of the City of Costa Mesa this _____ day of _____, 2005.

Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project is consistent with the General Plan.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, the proposed use will be compatible with the surrounding area, which are commercial uses. The property is not adjacent to any residentially-zoned properties.
- C. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City environmental procedures, and has been found to be exempt from CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"**CONDITIONS OF APPROVAL**

- Plng.
1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. The conditional use permit may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, if the use is being operated in violation of applicable laws or ordinances, or if, in the opinion of the development services director or his designee, any of the findings upon which the approval was based are no longer applicable.
 2. The business shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 3. A copy of the conditions of approval for the conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
 4. The use shall be limited to the type of operation described in the staff report, i.e., a construction contractor's business with no outdoor storage. Any change in the operational characteristics shall require approval of an amendment to the conditional use permit, subject to Planning Commission approval.
 5. If parking shortages or other parking-related problems arise, the applicant shall institute whatever operational measures are necessary to minimize or eliminate the problem, including, but not limited to, reducing and/or eliminating the outdoor storage.
 6. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

RESOLUTION NO. 05-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY
OF COSTA MESA DENYING CONDITIONAL USE PERMIT
PA-04-49**

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS
FOLLOWS:

WHEREAS, an application was filed by Norman Dias, authorized agent for Michael D. Faulkner, with respect to the real property located at 814 W. 19th Street, requesting approval of a conditional use permit to establish a contractor's business; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on March 14, 2005; and continued to the meeting of April 11, 2005; and

WHEREAS, on April 15, 2005, PA-04-49 was appealed to City Council; and

WHEREAS, a duly noticed public hearing was held by the City Council on May 3, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council hereby **DENIES** PA-04-49 with respect to the property described above.

PASSED AND ADOPTED this 3rd day of May, 2005.

Mayor of the City of Costa Mesa

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk of the City of Costa Mesa

City Attorney

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, JULIE FOLCIK, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, hereby certifies that the above and foregoing Resolution No. _____ was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the _____ day of _____, 2005.

IN WITNESS WHEREOF, I have herby set my hand and affixed the Seal of the City of Costa Mesa this _____ day of _____, 2005.

Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

COSTA MESA, CALIFORNIA 92626
APPLICATION FOR APPEAL OR REHEARING

RECEIVED
CITY CLERK

FEE: \$ 0

Applicant Name Council Member Linda Dixon 05 APR 15 AM 8:58

Address P.O. BOX 1200, Costa Mesa, CA 92628-1200

Phone (714) 754-5285 Representing Self CITY OF COSTA MESA BY _____

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) Planning Action PA-04-49; 814 West 19th Street

Decision by: Planning Commission

Reason(s) for requesting appeal or rehearing:
See attached

Date: 4/15/05 Signature: Linda W. Dixon

For Office Use Only — Do Not Write Below This Line
SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF: 5/3/05

**APPEAL OF PLANNING COMMISSION ACTION
PLANNING ACTION PA-04-49
814 WEST 19TH STREET**

REASONS FOR APPEAL:

The proposed contractor's use is:

1. inconsistent and incompatible with existing zoning and uses in the surrounding area.
2. inconsistent and in conflict with the City Council's direction regarding the change of land uses on the Westside in general, and the proposed Mixed-Use, Commercial-Residential Hybrid Zone for this portion of West 19th Street, specifically.



CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS
REPORT, PLEASE CONTACT THE CITY CLERK'S
OFFICE AT (714) 754-5121**