



# **CITY COUNCIL AGENDA REPORT**

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MEETING DATE: SEPTEMBER 20, 2005

ITEM NUMBER:

**SUBJECT:** APPEAL OF MINOR CONDITIONAL USE PERMIT ZA-05-25  
345 FISCHER AVENUE

**DATE:** SEPTEMBER 8, 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

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## **RECOMMENDATION:**

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

## **BACKGROUND:**

On July 7, 2005, the Zoning Administrator denied a minor conditional use permit to legalize four storage containers covering 7 parking spaces along the south (rear) property line of Rock Harbor Church. In denying the request, the Zoning Administrator found that the containers are readily visible from Airway Avenue, are not consistent or compatible with improvements to the subject or surrounding properties, and because there was no justification for the reduction in required parking (80 on-site spaces were provided; 73 on-site parking spaces are provided with the containers).

On July 13, 2005, an appeal of the Zoning Administrator's denial was filed by the applicant. On August 22, 2005, Planning Commission, on a 4 to 1 vote (Commissioner Egan voting no), overturned the Zoning Administrator's denial and approved the storage containers. An appeal of the Planning Commission's approval was filed by Council Member Dixon.

## **ANALYSIS:**

The Planning Commission overturned the Zoning Administrator's denial of the storage containers because, at the meeting, the applicant submitted a revised plan (a copy of which is attached to this report) proposing to screen the containers from view of the street. Also, the Commission felt that the loss of seven parking spaces would not create any adverse parking problems because the Commission granted a conditional use permit in 2004 to use 212 off-site parking spaces at Mariner's Christian School at

300 Fischer Avenue, approximately 300 feet to the west of the church property, offsetting the on-site parking reduction.

Council Member Dixon in her appeal stated that the Zoning Administrator's denial of the storage containers should be upheld based on his determination that the containers are not consistent or compatible with improvements to the subject or surrounding properties, and because there was no justification for the reduction in required parking.

**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. The findings included in the original Zoning Administrator's denial letter dated July 7, 2005 could also be used to support this alternative.

**FISCAL REVIEW:**

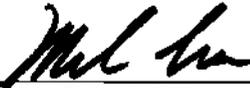
Fiscal review is not necessary.

**LEGAL REVIEW:**

Legal review is not necessary.

**CONCLUSION:**

Planning Commission approved the containers because they felt the containers could be adequately screened from view and because the containers would not create any parking problems.



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MEL LEE, AICP  
Senior Planner



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

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

Robert Lawrence  
3151 Airway Avenue, Suite F203  
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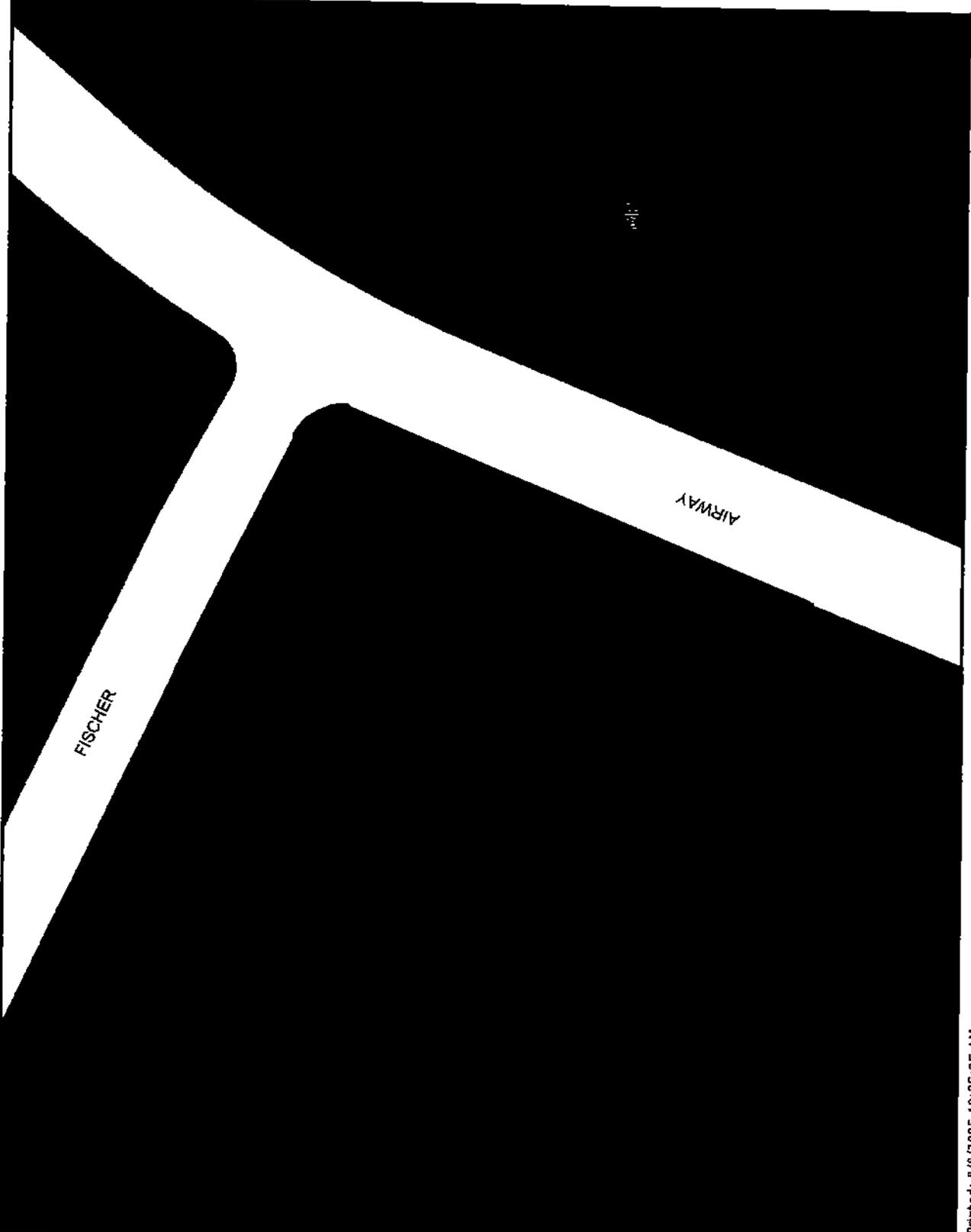
Todd Shiffman  
Fischer/Shiffman Properties  
9229 West Sunset, Suite 602  
Los Angeles, CA 90069

- ATTACHMENTS:
1. Location Map
  2. Plans/Photos
  3. Draft City Council Resolution
  4. Exhibit "A" Draft Findings
  5. Exhibit "B" Conditions of Approval
  6. Appeal
  7. Minutes from Planning Commission Meeting  
of August 22, 2005
  8. Planning Staff Reports And Attachments
  9. Planning Commission Resolution

File Name: 092005ZA0525Appeal	Date: 090805	Time: 2:50 p.m.
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# ZONING/LOCATION MAP

ZA-05-25



## Legend

Street Names

Parcel Lines

Zoning



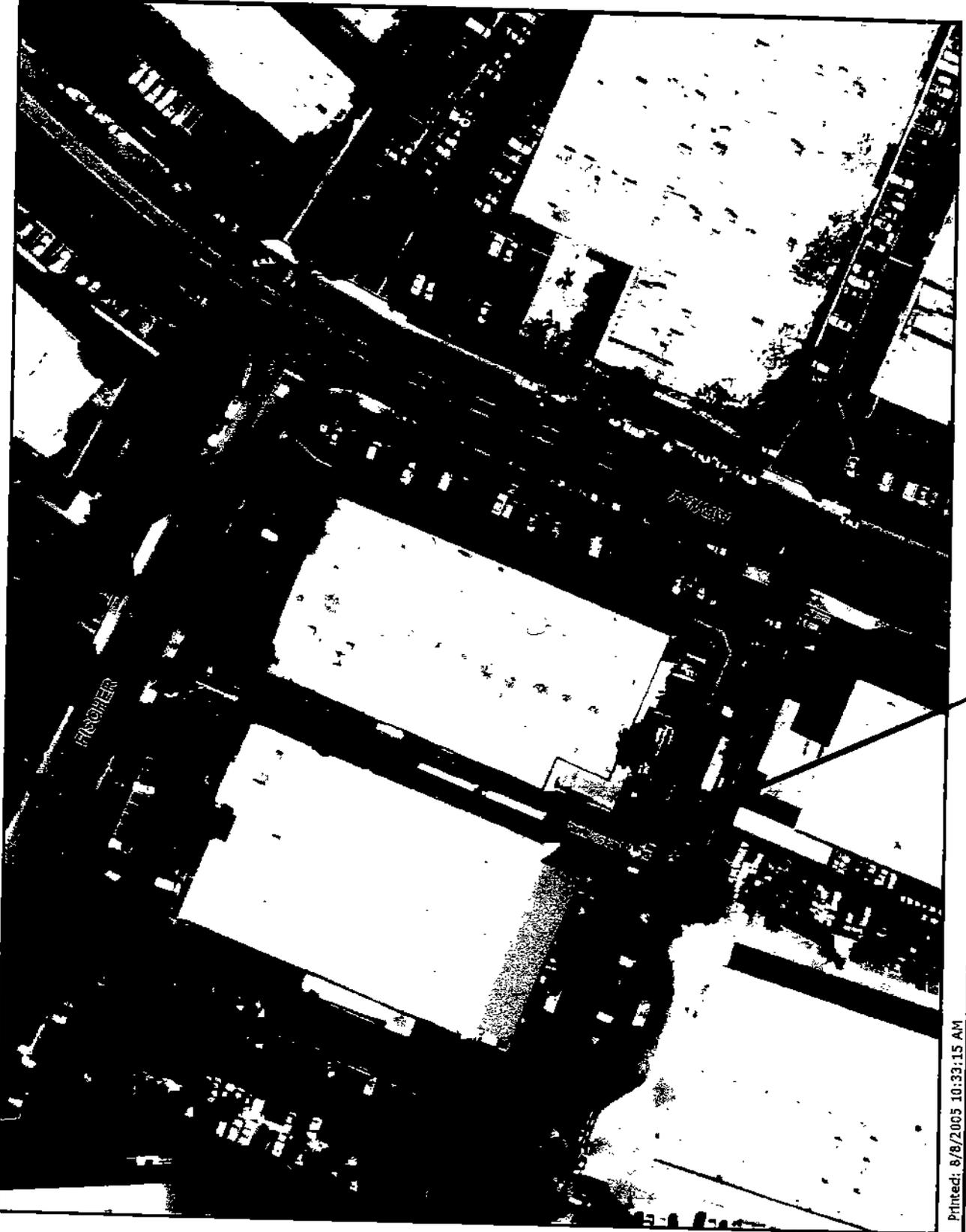
AP  
C1  
C1-S  
C2  
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R1  
R2-HD  
R2-MD  
R3  
TC  
Parcels

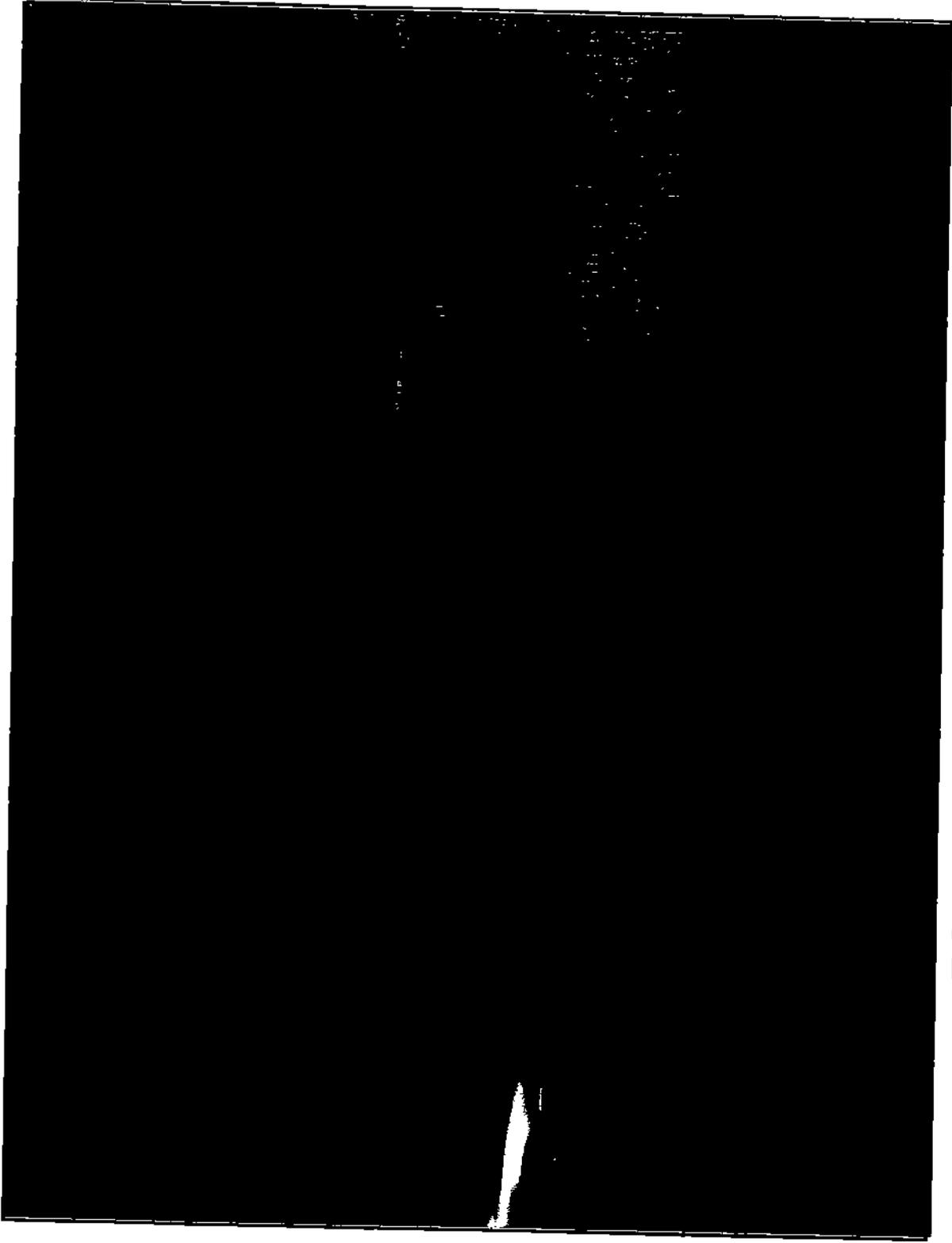


# 345 FISCHER AVE.

## Legend

- Street Names
- Parcel Lines
- Ortho Photography
- Parcels





**Photo of Storage Containers  
From Airway Avenue**



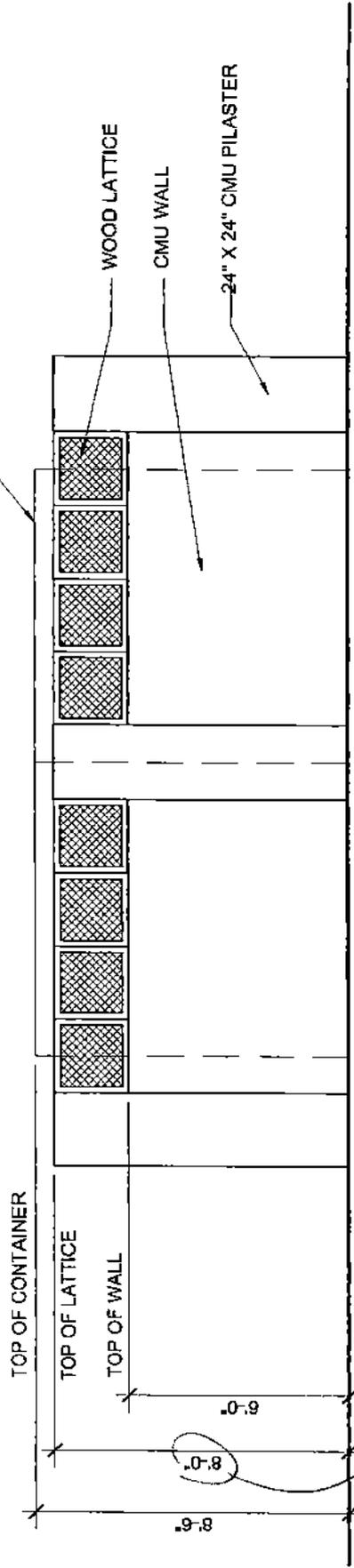








8'-0" WIDE X 8'-6" TALL X  
20'-0" LONG CONTAINER

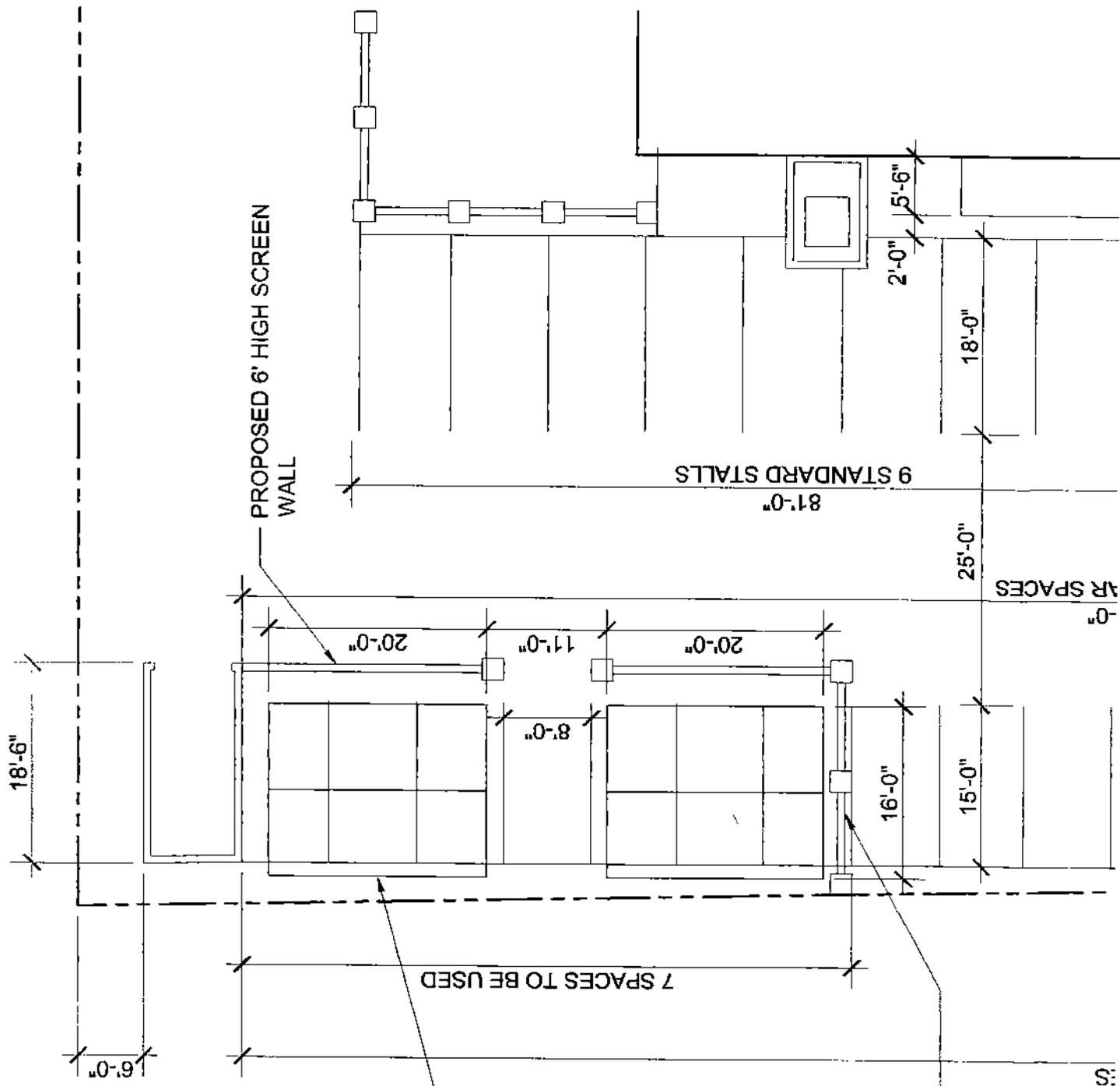


AIRWAY AVENUE  
**CONTAINER SCREEN WALL ELEVATION**

AUG. 23, 2005

**PROPOSED SCREENING SUBMITTED BY APPLICANT TO PLANNING  
 COMMISSION ON AUGUST 22, 2005**

8'-6"



**PARTIAL PLAN**  
 AUG. 23, 2005



# **CITY OF COSTA MESA**

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

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DEVELOPMENT SERVICES DEPARTMENT

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