

**RESOLUTION NO. PC-15-34**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVERSING THE ZONING ADMINISTRATOR'S DECISION AND DENYING ZONING APPLICATION ZA-15-01 FOR A MINOR CONDITIONAL USE PERMIT FOR A REDUCTION IN ON-SITE PARKING SPACES FOR A GROUP COUNSELING USE AT 657 WEST 19<sup>TH</sup> STREET**

THE PLANNING COMMISSION OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed Kristen Ford, representing John Morehart, the property owner, requesting approval of the following:

**Zoning Application ZA-15-01** is a Minor Conditional Use Permit to deviate from parking requirements for a group counseling use (Solid Landings) in a 6,710 square foot building (67 parking spaces is required for the use, 24 on-site parking spaces will be provided (29 existing minus 5 that will be lost when the West 19th Street gate is reopened per the conditions of approval) based on unique operating characteristics.

WHEREAS, on April 23, 2015, the Zoning Administrator approved the request; and

WHEREAS, on April 30, 2015, the Zoning Administrator's decision was appealed by a City resident; and

WHEREAS, a duly noticed public hearing held by the Planning Commission on June 8, 2015 with all persons having the opportunity to speak for and against the proposal; and

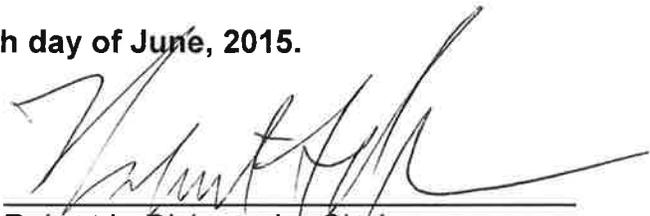
WHEREAS, the project was reviewed in accordance with the requirements of the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the City of Costa Mesa Environmental Guidelines; and it was determined that CEQA does not apply to the project, pursuant to CEQA Guidelines Section 15270(a), because the project was denied; and

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A, the Planning Commission hereby reverses the Zoning

Administrator's decision and **DENIES** Planning Application ZA-15-01 with respect to the property described above.

BE IT FURTHER RESOLVED that if any section, division, sentence, clause, phrase or portion of this resolution, or the documents in the record in support of this resolution, are for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining provisions.

**PASSED AND ADOPTED this 8th day of June, 2015.**

A handwritten signature in black ink, appearing to read "Robert L. Dickson Jr.", written over a horizontal line.

Robert L. Dickson Jr., Chair,  
Costa Mesa Planning Commission



## EXHIBIT A

### FINDINGS (DENIAL)

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that:

**Finding:** The proposed use is not compatible with developments in the same general area and would be materially detrimental to other properties within the area.

**Facts in Support of Findings:** The applicant's request cannot be supported based on the following:

- The residential neighborhoods on Center Street and Plumer Street are being disrupted by the following activities related to the use;
- Clients and employees have been observed parking on Center Street and Plumer Street instead of in the parking lot and walking to the facility; additionally, clients are walking to the faculty rather than being dropped off as indicated in the applicants' business plan.
- Employees have been observed parking in the nearby Costa Mesa Senior Center parking lot and walking to the facility.
- The client vans have been observed blocking traffic on Plumer Street and parking in the nearby Senior Center parking lot.
- The above activities are inconsistent with the plan submitted by the applicants, which indicated that all employees park inside the property, all clients are dropped off by vans inside the property so as to ensure minimal impact on the neighboring properties and the adjacent residential neighborhoods.
- In light of the above the Planning Commission finds that, according to the applicant's submittals, the current operation should have little or no impact on parking and traffic. However, the current operation is spilling over into the neighborhood demonstrating that the proposed operating measures are inadequate to address the parking shortfall.

The approval of ZA-09-34 for a group counseling center at 1901 Newport Boulevard, Suite 149, as cited by the applicant as basis for approval for the subject use, does not establish a precedent for the approval of this application based on the following:

- The 1901 Newport property is zoned PDC, versus the C1 zoning for the subject property;
- The 1901 Newport property is surrounded by commercial properties and a parking structure, versus the subject property, which is abutting residential uses;

- The 1901 Newport property had a shortfall of 2 spaces, based on the shortfall of 38-43 spaces for the subject use;
- The 1901 Newport property has available overflow parking on-site, versus the subject property;
- The 1901 Newport property has no vehicle gates, versus the subject property;
- The 1901 Newport property has all required building and fire safety permits and inspections, versus the subject property.

The use is not being operated in compliance of the following conditions of approval and code requirements for ZA-15-01:

- Conditions of Approval Numbers 3, 4, 5, 6, 8, 9, 11, 16, and 17;
- Code Requirement Numbers 1, 3, 4, 9, and 10.

The use as being operated constitutes a public nuisance per the following sections of Title 20, Chapter III, Article 1 Section 20-12 (Conditions or Uses Qualifying as a Public Nuisance):

- Sections a, x, z, ff, gg, hh, jj, and ll;
- The facility has been operated for nine months without the necessary approvals as noted above;
- The findings upon which the ZA approval was granted are no longer applicable.

**Finding:** Granting the minor conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to property or improvements within the immediate neighborhood.

**Facts in Support of Findings:** The applicant's request cannot be supported based on the following:

The property owner and applicant did not follow the correct procedures for obtaining the necessary building and fire safety permits and inspections for the use, including, but not limited to, the following:

- Permits for interior and exterior alterations to the building, fire safety inspections, certificates of occupancy, and business licenses;
- The addition of the security gate on Plumer Street;
- The removal of the driveway and the addition of a vehicle gate on West 19<sup>th</sup> Street;
- The addition of glass storefront windows along the building's West 19<sup>th</sup> Street frontage;
- Kitchen and kitchenette facilities were installed without the required OC Health Department permits and inspections;

- Electrical conduits and piping were installed on the exterior of the building without the required electrical permits and inspections;
- Rusted/damaged exterior stairs were installed without the required building permits and inspections.

**Finding:** Granting the minor conditional use permit will allow a use, density, or intensity which is not in accordance with the General plan designation.

**Facts in Support of Findings:** The request is not consistent with the following goals and objectives of the General Plan:

- **Objective LU-1F.1:** *Protect existing stabilized residential neighborhoods from the encroachment of incompatible or potentially disruptive land uses and/or activities.*
- **Objective CIR-1A.14:** *Reduce or eliminate intrusion of commuter through traffic on local streets in residential neighborhoods.*

As noted earlier, the applicant's request cannot be supported based on the following:

- The residential neighborhoods on Center Street and Plumer Street are being disrupted by the following activities related to the use:
- Clients and employees have been observed parking on Center Street and Plumer Street instead of in the parking lot and walking to the facility;
- Employees have been observed parking in the nearby Senior Center parking lot and walking to the facility;
- The client vans have been observed blocking traffic on Plumer Street and parking in the nearby Senior Center parking lot.

- B. The project has been reviewed for compliance with the California Environmental Quality Act (CEQA), the CEQA Guidelines, and the City's environmental procedures. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.