



CITY COUNCIL AGENDA REPORT

MEETING DATE: AUGUST 4, 2015

ITEM NUMBER: **PH-3**

SUBJECT: APPEAL OF PLANNING APPLICATION PA-14-41: CONDITIONAL USE PERMIT FOR OPERATION OF AN OUTDOOR FARMERS MARKET

183 E. BAY STREET (ST. JOHN THE DIVINE EPISCOPAL CHURCH)

DATE: JULY 20, 2015

FROM: PLANNING DIVISION/DEVELOPMENT SERVICES DEPARTMENT

PRESENTATION BY: ANTONIO GARDEA, SENIOR PLANNER

**FOR FURTHER INFORMATION CONTACT: ANTONIO GARDEA (714) 754-5692
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RECOMMENDATION

UPHOLD the Planning Commission's decision and approve the proposed project, described below:

- Planning Application PA-14-41 – A Conditional Use Permit (CUP) for the operation of a farmers market at an existing church (St. John the Divine Episcopal Church) from 9:00 a.m. to 3:00 p.m. on Saturdays. The parking lot would be reconfigured and enlarged into the front lawn area to add 34 parking spaces. A maximum of 15 vendor stalls would be located in the new parking area. Existing trees and landscaping would be removed and replaced.

APPLICANT

The applicant is the Reverend Philip DeVaul, Rector, representing the Bishop of the Episcopal Church of Los Angeles for the Saint John the Divine Episcopal Church located at 183 E. Bay Street.

APPELLANT

The appellant is Carrie Renfro, owner of property located at 198 Buoy Street.

PLANNING APPLICATION SUMMARY

Location: 183 E. Bay Street Application: PA-14-41
(St. John the Divine Episcopal Church)

Request: A Conditional Use Permit for the operation of a farmers market at an existing church from 9:00 a.m. to 3:00 p.m. on Saturday mornings. The parking lot area would be reconfigured (approximately 17,000 square feet), to add 24 more parking spaces. The existing mature trees and landscaping would be removed and replaced. On farmers market days, 15 vendor stalls would be located in the new parking area.

SUBJECT PROPERTY:

SURROUNDING PROPERTY:

Zone: <u>PDR HD</u>	North: <u>R1 – Single Family Residential</u>
General Plan: <u>High Density Residential</u>	South: <u>PDR HD – St. John Manor Senior Housing</u>
Lot Dimensions: <u>Rectangular</u>	East: <u>R1 – Single Family Residential</u>
Lot Area: <u>48,736 SF</u>	West: <u>R2 MD – Multi-Family Residential</u>
Existing Development: <u>Church</u>	

DEVELOPMENT STANDARD COMPARISON

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Maximum Density (dwelling units per acre)	35	18
Maximum Site Coverage	N/A	N/A
Perimeter Open Space per Section 13-61 Perimeter Open Space Criteria.	20 feet abutting all public rights- of-way, excluding alleys.	20 FT / 5 FT
Open Space	42% of total site area, inclusive of Perimeter Open Space	42%
Setbacks		
Front (Orange Avenue)	20 FT	20 FT
Side (Bay Street)	20 FT	5 FT ¹
Rear (Laurie Lane)	20 FT	0 FT ²
Parking		
Church		
1 space / 35 SF assembly area	55 ³	70 ⁴
Farmers Market		
2 / Vendor	30 ⁵	76
Signs		
Total		
	45 SF	
Freestanding		
Max. Area	30 SF	TBD
Max. Height	7 FT.	TBD

¹ Setback Variance (R-79-15) from E. Bay Street granted 7/19/1982.

² Setback Variance (ZE-84-112) from Laurie Lane granted 6/15/1984.

³ Required Parking for Sunday Church services.

⁴ Per Revised Site Plan

⁵ Required Parking for 15 vendors during farmers market events.

BACKGROUND

Project Site/Environs

The site is located at the southwest corner of Orange Avenue and East Bay Street and abuts Laurie Lane. The property is zoned PDR-HD (Planned Development Residential - High Density) and designated as High Density Residential in the General Plan Land Use Element. The 36-unit senior housing complex (St. John's Manor) is adjacent to the south.

The property is approximately 1.1 acres (48,736 SF) in size. In 1955, the City Council approved the construction of Saint John the Divine Episcopal Church (Variance Application #134). The Church property comprises of the chapel and ancillary facilities, including the guild room with a kitchen, classrooms, offices, and the surface parking lot. A total of 46 parking spaces are currently provided.

This staff report provides a summary of the proposed project, as well as the Planning Commission's action related to the project. Please refer to the Planning Commission staff report dated June 8, 2015 for detailed information and analysis related to the proposed project at the following link:

<http://www.costamesaca.gov/ftp/planningcommission/agenda/2015/2015-06-08/PH-4.pdf>

An excerpt of the (Unofficial) Planning Commission Minutes from the June 8, 2015 meeting is attached (Attachment 5).

Commercial Uses Allowed in Planned Development Zone

Article 4.5 of Title 13 of CMMC allows other land uses that are an incidental function of the church, such as a farmers market, to be considered through a conditional use permit process. In the Planned Development Residential zone, nonresidential uses of a commercial nature may be allowed if the Planning Commission finds the uses to be compatible with the Planned Development Residential project and if the FAR does not exceed that established for the Neighborhood Commercial General Plan land use designation. In this case, the residential project in question is St. John's Manor. The proposed farmers market is a complimentary use as the venue provides the residents of the senior housing complex with the opportunity to purchase locally sourced goods and interact with vendors and other community members. The proposed project would not increase the floor area ratio of the site because no additional building area would be constructed. The allowable floor area ratio of moderate traffic uses is 0.25 and the existing floor area ratio is 0.11 for the church site.

Summary of Planning Commission Action

On June 8, 2015, the Planning Commission held a public hearing to consider the Conditional Use Permit (CUP) for the outdoor farmers market. Staff provided a presentation of the proposal.

The Planning Commission received public comments both in support and in opposition to the proposed farmers market. There were concerns from the community related to the early operations on Saturday, pedestrian safety to the site, aesthetics and light and glare from the parking lot. The Planning Commission, by majority vote (3-1, Commissioner Andranian opposed, Commissioner Sesler recused), approved the CUP with modified conditions of approval. A summary of the changes follows:

Planning Commission Modifications to Conditions of Approval

Issue/Concern	Proposed	Modified Conditions
Hours of Operation / Noise	Hours of operation for the farmers market of 9:00 a.m. and 3:00 p.m., with set up at 8:00 a.m. and take down until 4:00 p.m. Solo musician performance.	Start-Time of 9:00 a.m. for set-up and 10:00 a.m. for Farmer’s Market; take down to start at 2:00 p.m. and end no later than 3:00 p.m. Live entertainment prohibited.
Sale of Second Hand Items/Swap Meet Use	One third of vendors to sell second hand items.	Sale of second hand items prohibited. All vendors to sell farm products and value added farm products.
Alcohol Sales	Alcoholic beverage sales shall be limited to artisanal type of beverages (i.e. craft beers) subject to the approval of an ABC license.	Non-food related items and alcohol sales prohibited.
Long-term establishment of potentially incompatible use	Conditional Use Permit to run with the land without expiration.	Expiration of the Conditional Use Permit in two years and requiring reapplication to the Planning Commission for any operation beyond the initial two years.
Future Changes	Option to operate on other days/times.	Changes to operations prohibited.
Adequacy of Parking / Spillover Parking	A total of 46 on-site, customer parking spaces and 30 vendor parking spaces provided.	Installing bicycle racks to encourage use of alternate modes of transportation to the farmers market. Posting of temporary signs to discourage parking along Bay Street. Attendants to direct customers into the church parking lot.
Pedestrian Safety and Traffic Concerns	Farmers market proposed on Saturday mornings to avoid weekday evening peak hour commute traffic.	Establishment of the farmers market to occur only after the Transportation Division completes a study to determine if an all-way stop or addition of a new crosswalk across Orange Avenue are warranted.

Issue/Concern	Proposed	Modified Conditions
Parking Lot Reconfiguration / Lighting (night hours)	Temporary lighting for potential evening hours.	Installation of low hedge / shrubs along Bay Street frontage to shield light and glare from headlights.
Fire Department Access to St. John's Manor	Parking lot reconfiguration allows vehicle circulation and access to St. John's Manor from the Church parcel.	Submittal of an emergency access plan to be approved by the Fire Chief ensuring direct access for emergency fire response/paramedic vehicles to St. John's Manor senior housing complex.

Revised Site Plan

Residents living across Bay Street expressed a concern with light and glare as a result of the reconfiguration of the parking lot. A condition of approval required construction of a low wall or planting of a hedge along the Bay Street frontage of the parking lot to mitigate this concern. In response, the applicant further revised the site plan to increase the landscaped area along the Bay Street frontage. The parking spaces that faced north were eliminated, reducing the total number of on-site parking from 80 to 70 spaces. As the conceptual landscape plan shows, the additional landscaped area would be planted with drought tolerant shrubs and ornamental plants (Attachment 8).

Existing Open Space Area Originally Considered for Future Church Building

The church has a large lawn area (approx. 17,000 SF) that faces Orange Avenue that was intended as a future development site. At the time that the City Council approved the neighboring senior housing complex (Zoning Exception Permit ZE-82-88), a Church expansion concept was also granted. The site plan included a complex of buildings in the location of the front lawn area. The new buildings were not constructed and instead the entire front portion of the property was landscaped until more definitive expansion plans would be submitted for consideration by the Planning Commission. Review of City records, including the HCD records of Agreements between the City and St. John Manor, indicates no requirements or conditions of approval mandating the preservation of the front lawn area as open space.

Public Correspondence Received to Date

A total of 35 form letters have been received in support of the proposed farmers market. The reasons provided in support of the farmers market included support of locally sourced agriculture and the fostering of a sense of community. Eight emails and letters in opposition were submitted prior to the Planning Commission meeting. As noted above, the concerns included the appropriateness of the use within the residential neighborhood, noise, litter, items for sale by vendors, increased traffic, sufficiency of parking, and provision of emergency response vehicle access to St. John's Manor. Since the Planning Commission meeting, one phone call and letter were received in opposition to the proposed project reiterating land use compatibility and traffic concerns. All of the public correspondence is included as an attachment.

Appeal/De Novo Hearing

The City Council hearing for this appeal is a **de novo hearing** in which the City Council may consider the project in its entirety. The purpose of this report is to provide responses to the issues raised by the appellant, and to highlight and/or clarify the evidence in the administrative record that was presented to the Planning Commission prior to its action.

Issues Raised by Appellant in Appeal Application

On June 12, 2015, an appeal of the Planning Commission's decision was filed by Carrie Renfro, a neighboring property owner. The following is a listing of the concerns described in the appeal application:

- Concerns with additional traffic and parking. The appellant stated that a traffic study should be conducted for the intersection of E. Bay Street and Orange Avenue.
- Farmers market would be an incompatible commercial use in this residentially zoned neighborhood.

ANALYSIS

The following analysis provides responses to the concerns raised by the appellant. More detailed information is provided in the Planning Commission staff report.

- *Traffic and pedestrian safety*

The Transportation Division determined that since the farmers market would take place on Saturday during off-peak hours, the traffic volume is anticipated to be low. The Planning Commission concurred with the information included in the supplemental memorandum dated June 3, 2015 (Attachment 3), and required a traffic study to be completed to determine if a stop sign and cross walk are warranted at the intersection of Orange Avenue and E. Bay Street before the farmers market operations could commence.

- *On-site Parking*

The farmers market would take place on Saturdays when no other church activities are being held. Based on a parking ratio of two parking spaces per vendor booth, 30 parking spaces are required. A minimum of 46 on-site customer parking spaces would be provided. As conditioned, parking attendants would be present to direct and guide patrons onto the site and would post temporary signs directing customers to the parking lot. In addition, a condition of approval would require reducing the number of vendors, if parking impacts are experienced. The church is located at the intersection of two collector streets and is readily accessible via alternate modes of transportation, including walking, biking and a transit line.

- *Compatibility of the farmers market use within a residential community*

The proposed farmers market provides a venue for small and local farmers to provide locally grown and affordable foods. Per the conditions of approval, the scale of the farmers market will be limited to a maximum of 15 vendors on Saturdays and would not conflict with church services. Vendors are required to set up no earlier than 9:00 a.m., amplified sound is prohibited, and motor vehicle engines are not allowed to idle to minimize noise. The applicant has agreed to specific site improvements to address neighbor concerns. With the reconfiguration of the parking, the vehicles would face north/south instead of east/west. In order to minimize light and glare from parked vehicles, a low wall or hedge will be installed along the Bay Street frontage.

The proposed farmers market is intended to support local agriculture and provide a venue for the small and independent farmers and sales of non-food merchandise is prohibited. Vendors will be limited to those specialty providers and retailers of home grown artisanal products and organic produce. The applicant has also agreed to abide by a sunset clause of two years for the farmers market.

- *Farmers market as ancillary to Church Use in PDR-HD zone*

In the Planned Development Residential zone, nonresidential land uses that are incidental to the church, such as a farmers market, may be allowed if the Planning Commission finds the uses to be compatible with the residential project. The proposed farmers market is a compatible use with the St. John's Manor residential project. The proposed farmers market provides a venue for the residents of the senior housing complex to purchase locally sourced goods and provides an opportunity to interact with other community members as well.

LEGAL REVIEW

The draft resolution has been reviewed and approved as to form by the City Attorney's Office.

ALTERNATIVES

The City Council has the following alternatives:

- Uphold the Planning Commission's decision and approve PA-14-41. Any modifications to the conditions of approval, such as additions or deletions, can be made by the Council as part of this action; or
- Reverse the Planning Commission's approval and deny PA-14-41. If the project were to be denied, appropriate findings would need to be made and the project applicant could not submit substantially the same type of application for six months.

CONCLUSION

De novo literally translates to “anew,” “afresh” or “a second time.” A de novo hearing is essentially a new proceeding where the proposal is presented to the City Council for final consideration. In its decision making, City Council is not restricted to the evidence that was previously presented to the Planning Commission.

ANTONIO GARDEA
Senior Planner

GARY ARMSTRONG, AICP
Economic and Development Services
Director / Deputy CEO

Attachments:

1. [Vicinity, Zoning, and 500 ft. Radius Maps](#)
2. [City Council Draft Resolutions and Related Exhibits](#)
3. [Appeal Application](#)
4. [Planning Commission Staff Report, Supplemental Memo and Related Exhibits](#)
5. [\(Unofficial\) Planning Commission Minute Excerpts](#)
6. [Notice of Decision Planning Commission Action and Planning Commission Resolution](#)
7. [Public Correspondence \(Under Separate Cover\)](#)
8. [Revised Site Plan, Preliminary Landscape Plan, Landscape Imagery](#)

cc:

Chief Executive Officer
Assistant Chief Executive Officer
Director of Economic & Development / Deputy CEO
City Attorney
Public Services Director
Transportation Svs. Mgr.
City Engineer
City Clerk (9)
Staff (7)
File (2)

Owner:

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Authorized
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Appellant:

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