



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 12, 2004

U1.7
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-04-07
1538 ADAMS AVENUE

DATE: APRIL 1, 2004

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

PROJECT DESCRIPTION

The applicant is requesting approval of a variance from front landscape setback requirements (20 feet required; 8 feet, 6 inches proposed) and parking area landscape requirements, to allow construction of a new parking lot for a commercially-zoned property.

APPLICANT

The applicant is Andy Perez, representing the property owner, Sparks Enterprises.

RECOMMENDATION

Approve by adoption of Planning Commission resolution.



MEL LEE
Associate Planner



PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

The subject parcel (1538 Adams Avenue) is a C1 zoned property that is currently vacant and unpaved. The parcel abuts an existing multiple tenant retail/office building (1500 Adams Avenue) and an existing Paul Mitchell salon and school (1534 Adams Avenue), both of which are to the east of the subject parcel. To the west, the parcel abuts an existing retail/office building (1548 Adams Avenue). The above properties are separate parcels under the control of the same owner, but as different legal entities. The applicant, who is representing the owner, is proposing to pave the vacant parcel to provide approximately 14 additional parking spaces on the westerly side of the subject parcel. A minor conditional use permit for off-site parking is not required because the parking proposed for the subject parcel will be a continuation of the existing parking area immediately behind the Paul Mitchell building. With the proposed parking area, 27 parking spaces will be provided at the rear of this building.

As part of the proposed parking lot, a landscape planter 8-feet, 6-inches in depth is proposed adjacent to the public right-of-way along Adams Avenue, matching the depth of the of the existing landscape planter for the abutting property to the west (1548 Adams Avenue). Because the landscape planter will be less than the 20-foot landscape depth required by code, the applicant is requesting approval of a variance, as well as a variance from interior landscape requirements (i.e., landscaping not included in the required front setback).

DISCUSSION

City code allows granting a variance where special circumstances applicable to the property exist (such as an unusual lot size, lot shape, topography, or similar features) and where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered.

A special circumstance does exist with regard to this property because the site is a narrow, rectangular remnant lot between two developed retail commercial centers. As indicated earlier, the proposed parking area has been designed as a continuation of the existing parking area at the rear of the Paul Mitchell building. The retail center in which the Paul Mitchell building is located was constructed in the early 1960's and is legal nonconforming with regard to the number of on-site parking spaces (192 spaces provided; 237 spaces required). Overflow parking resulting from Paul Mitchell students parking on the nearby residential streets, as well as time limits and other parking restrictions imposed within the 1500 Adams Avenue retail center parking area, have generated a considerable amount of complaints from the nearby residents and created a substantial parking burden on the residential neighborhood. In order to insure that the new (and existing) parking areas are utilized staff is requiring, as a condition of approval (condition number 6), that a Land Use Restriction be recorded

requiring that the parking area remain permanently available for all employees, customers, and guests having lawful reason to be at the commercial businesses at 1500 and 1534 Adams Avenue per Code Section 13-96. With these provisions, it is staff's opinion that there is justification for approval of the variance.

In order to offset the variance from the required interior landscaping requirement as well as the reduced landscaping at the front of the site, staff is recommending, as a condition of approval (condition number 7), that the applicant incorporate tree wells into the westerly side of the parking area (adjacent to the wheel stops for the parking stalls). In addition, it is recommended that the applicant plant non-deciduous canopy trees at a ratio of one tree for every 6 proposed parking spaces, subject to review by the Planning Division.

As mentioned before, the parcels are separate, although under the control of the same owner as different legal entities; as a result, lot combination through a parcel map or lot line adjustment is not possible. However, staff is requiring, as a condition of approval (condition number 5), that the applicant record a reciprocal easement agreement for the subject lot and the parcels at 1500 and 1534 Adams Avenue, and that the subject parcel (1538 Adams Avenue) not be independently sold.

ALTERNATIVES

If the variance were not approved, the applicant would have to redesign the parking area to provide the required landscaping per code, which would reduce the number of parking spaces that could be provided.

CONCLUSION

It is staff's opinion that the requested variance from landscaping satisfies the required findings for a variance and will provide additional needed parking spaces for the retail center. Therefore, staff supports the variance with the recommended conditions of approval.

RECOMMENDATION

Approve, subject to conditions.

- Attachments:
1. Draft Planning Commission Resolution
 2. Exhibit "A" – Draft Findings
 3. Exhibit "B" – Draft Conditions of Approval
 4. Applicant's Project Justification Form
 5. Zoning/Location Map
 6. Plans

cc: Dep. City Mgr. - Dev. Svcs. Director
Sr. Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

Andy Perez
18004 Skypark Circle, Ste 237
Irvine, CA 92614

Sparks Enterprises, LP
Attn: Tom Sparks
1500 Adams Avenue, Suite 300
Costa Mesa, CA 92626

RESOLUTION NO. PC-04-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING VARIANCE PA-04-07**

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

WHEREAS, an application was filed by Andy Perez, representing the property owner, Sparks Enterprises, with regard to real property located at 1538 Adams Avenue, requesting approval of a variance from front landscape setback requirements (20 feet required; 8 feet, 6 inches proposed) and parking area landscape requirements, to allow construction of a new parking lot for a commercially-zoned property; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 12, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-04-07 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for PA-04-07. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 12th day of April, 2004.

Chair, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use is compatible and harmonious with uses that exist in the general neighborhood.
 - Safety and compatibility of the design of the building and other site features have been considered.
 - The project is consistent with the General Plan.
 - 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)(1) in that there are special circumstances applicable to the property, where strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other properties in the vicinity under the C1 zoning classification. Specifically, the site is a narrow, rectangular remnant lot between two developed retail commercial centers. The proposed parking area has been designed to expand the number of available parking spaces at the rear of the Paul Mitchell building. The retail center in which the Paul Mitchell building is located was constructed in the early 1960's and is legal nonconforming with regard to the number of on-site parking spaces. Overflow parking resulting from Paul Mitchell students parking on the nearby residential streets, as well as time limits and other parking restrictions imposed within the retail center parking area, have generated a considerable amount of complaints from the nearby residents and created a substantial burden on the residential neighborhood.
- 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 conditions of approval and ordinance or code provisions of planning application PA-04-07 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 2. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 3. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
 4. Construction, grading, materials delivery, equipment operation or other noise-generating activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, nor between the hours of 8 a.m. and 7 p.m., on Saturday, Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
 5. A reciprocal easement agreement for the subject parcel and the parcels at 1500 and 1534 Adams Avenue shall be recorded prior to the final inspection of the proposed parking lot. The subject parcel (1538 Adams Avenue) shall not be independently sold.
 6. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded prior to the recordation of the parcel map. The land use restriction shall state that the parking area shall remain permanently available for all employees, customers, and guests having lawful reason to be at the commercial businesses at 1500 and 1534 Adams Avenue per CMMC Section 13-96. The applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so

the document may be prepared.

7. The applicant shall incorporate tree wells into the westerly side of the proposed parking area (adjacent to the wheel stops for the parking stalls), and plant non-deciduous canopy trees at a ratio of one tree for every 6 proposed parking spaces, subject to review by the Planning Division and indicated on the landscape plans submitted to the Planning Division for plan check.
- Eng. 8. Maintain the public right-of-way in a "wet down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.
9. Provide cross lot drainage easement over lots 5 and 10. Otherwise, cross lot drainage shall not occur.

PLANNING DIVISION - CITY OF COSTA MESA

DESCRIPTION/JUSTIFICATION

Application #: PA 04-070

Environmental Determination: EXEMPT

Address: ~~1548~~ Adams Avenue Costa Mesa, CA 92626

1. Fully describe your request:

- 1) Reduction in depth of landscaping areas to conform to adjacent property at 1548 Adams Avenue.
- 2) Drain onto adjoining lot owned by related party.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

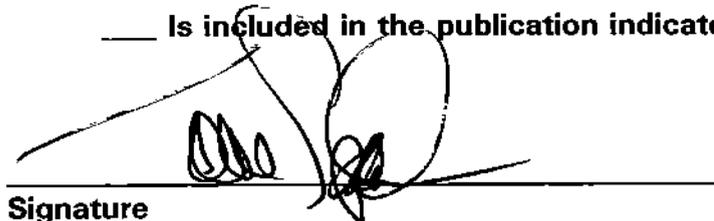
- 1) The property is 50' wide with access only at one end. Granting this request will provide much needed additional parking to the area.
- 2) Existing vacant lot currently drains onto North adjacent property which is owned by a related entity. Substantial south to north slope makes it impractical to drain south onto Adams.

3. This project is: (check where appropriate)

- In a flood zone.
- Subject to future street widening.
- In the Redevelopment Area.
- In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

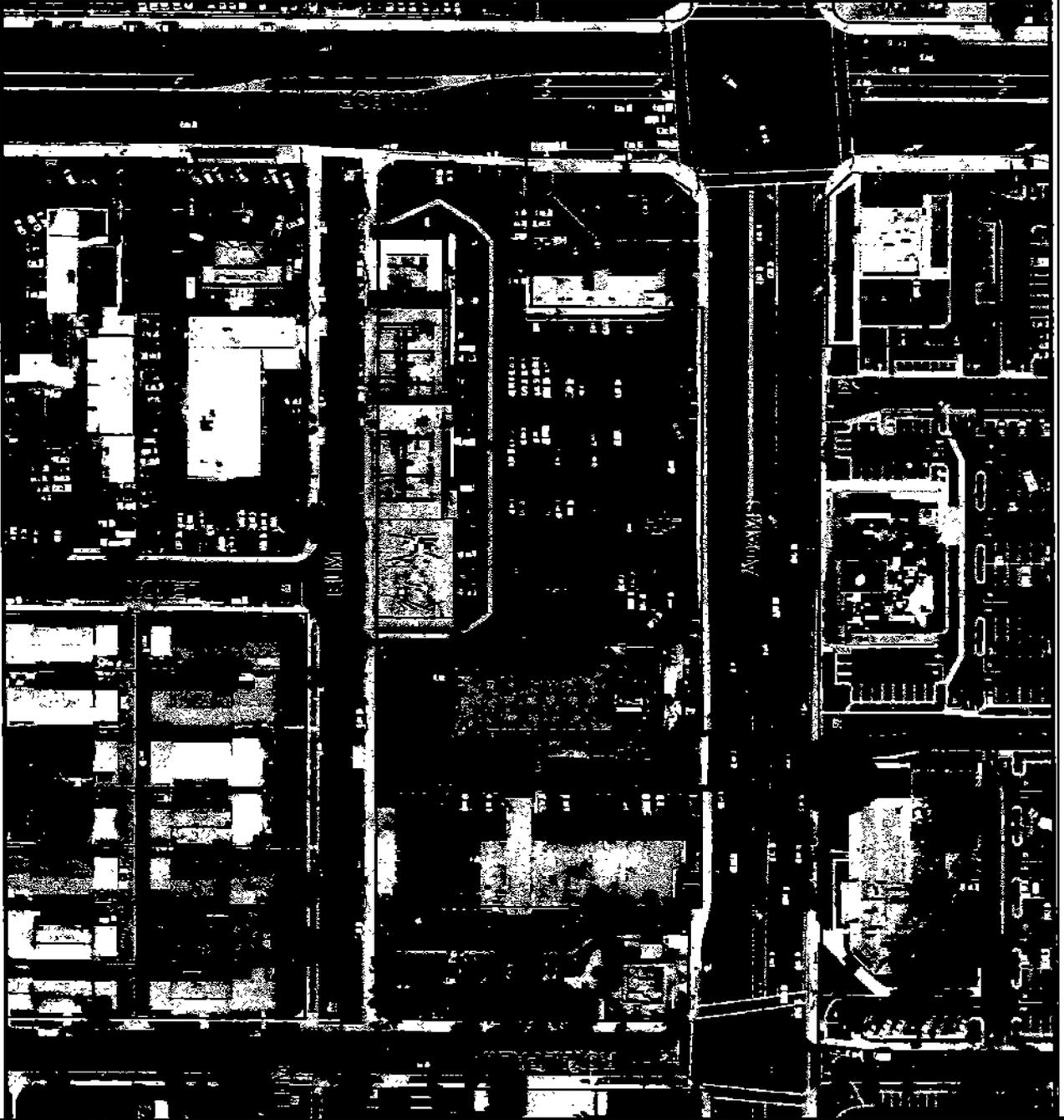
- Is not included in the publication indicated above.
- Is included in the publication indicated above.

Signature 

Date 2/23/04

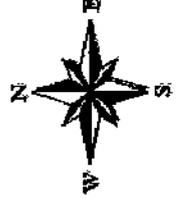
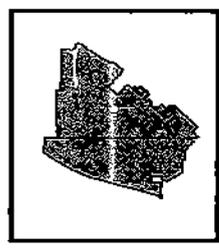
PA-04-07

1538 ADAMS AVENUE



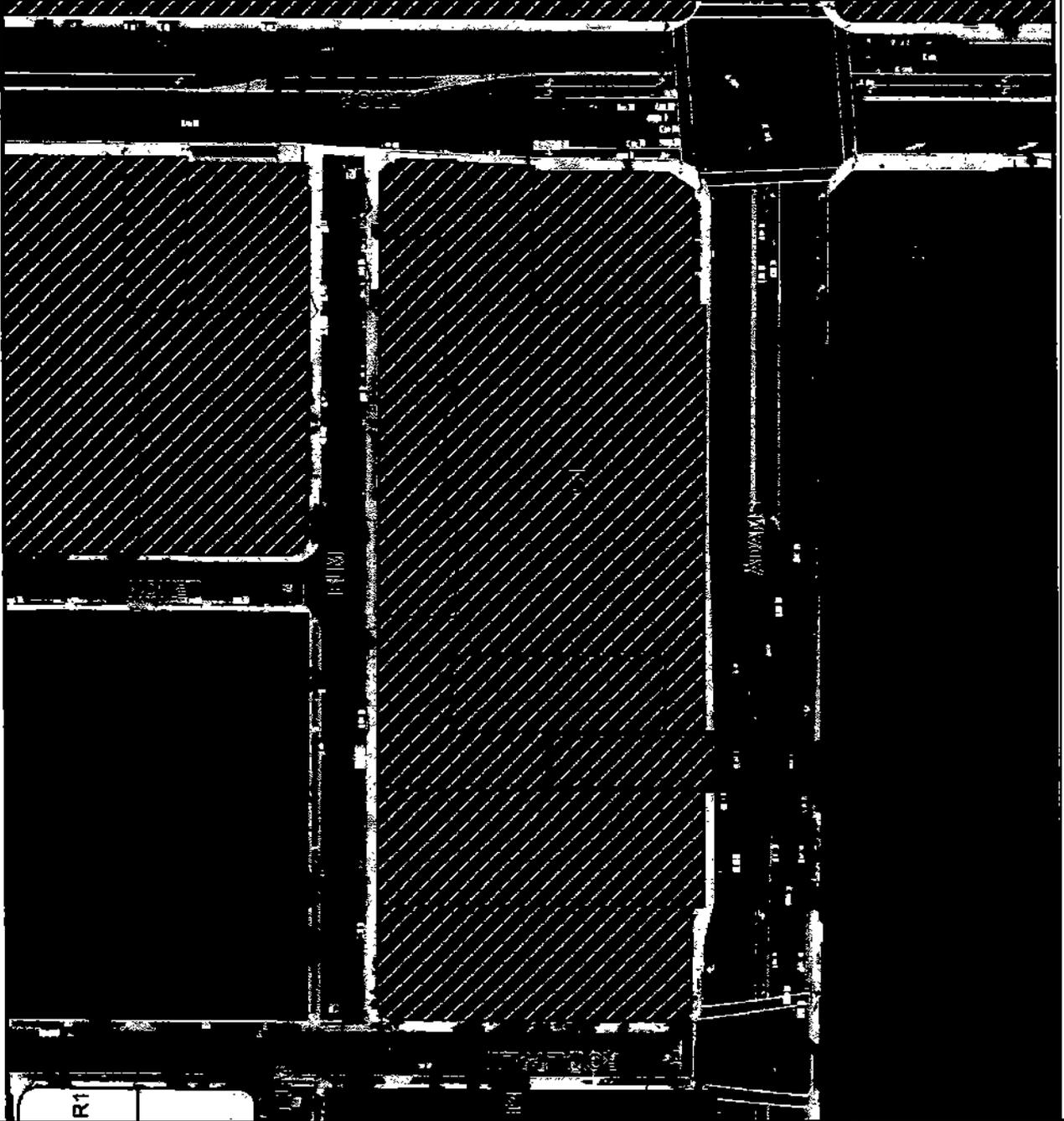
LEGEND

ZONING	Description
RI	Single Family Residential
[Symbol]	Multiple Family Residential (Medium Density)
[Symbol]	Multiple Family Residential (High Density)
[Symbol]	Multiple Family Residential
[Symbol]	Administrative and Professional
[Symbol]	Commercial Limited
[Symbol]	Shopping Center
[Symbol]	Local Business
[Symbol]	General Business
[Symbol]	Town Center
[Symbol]	Planned Development Residential - Low Density
[Symbol]	Planned Development Residential - Medium Density
[Symbol]	Planned Development Residential - High Density
[Symbol]	Planned Development Residential - North Costa Mesa
[Symbol]	Planned Development Commercial
[Symbol]	Planned Development Industrial
[Symbol]	Institutional and Recreational
[Symbol]	Institutional and Recreational - School
[Symbol]	Off-Street Parking
[Symbol]	General Industrial
[Symbol]	Industrial Park
[Symbol]	Specific Plan Areas
[Symbol]	Sphere of Influence
[Symbol]	City Boundary Line
[Symbol]	Freeways



ZONING/LOCATION MAP

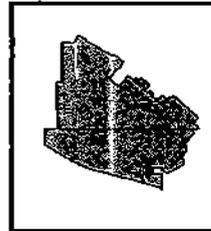
PA-04-07



ZONING

	Single Family Residential
	Multiple Family Residential (Medium Density)
	Multiple Family Residential (High Density)
	Administrative and Professional
	Commercial Limited
	Shopping Center
	Local Business
	General Business
	Town Center
	Planned Development Residential - Low Density
	Planned Development Residential - Medium Density
	Planned Development Residential - High Density
	Planned Development Residential - North Costa Mesa
	Planned Development Commercial
	Planned Development Industrial
	Institutional and Recreational
	Institutional and Recreational - School
	Off-Street Parking
	General Industrial
	Industrial Park
	Specific Plan Area
	Spheres of Influence
	City Boundary Line
	Freeways

LEGEND



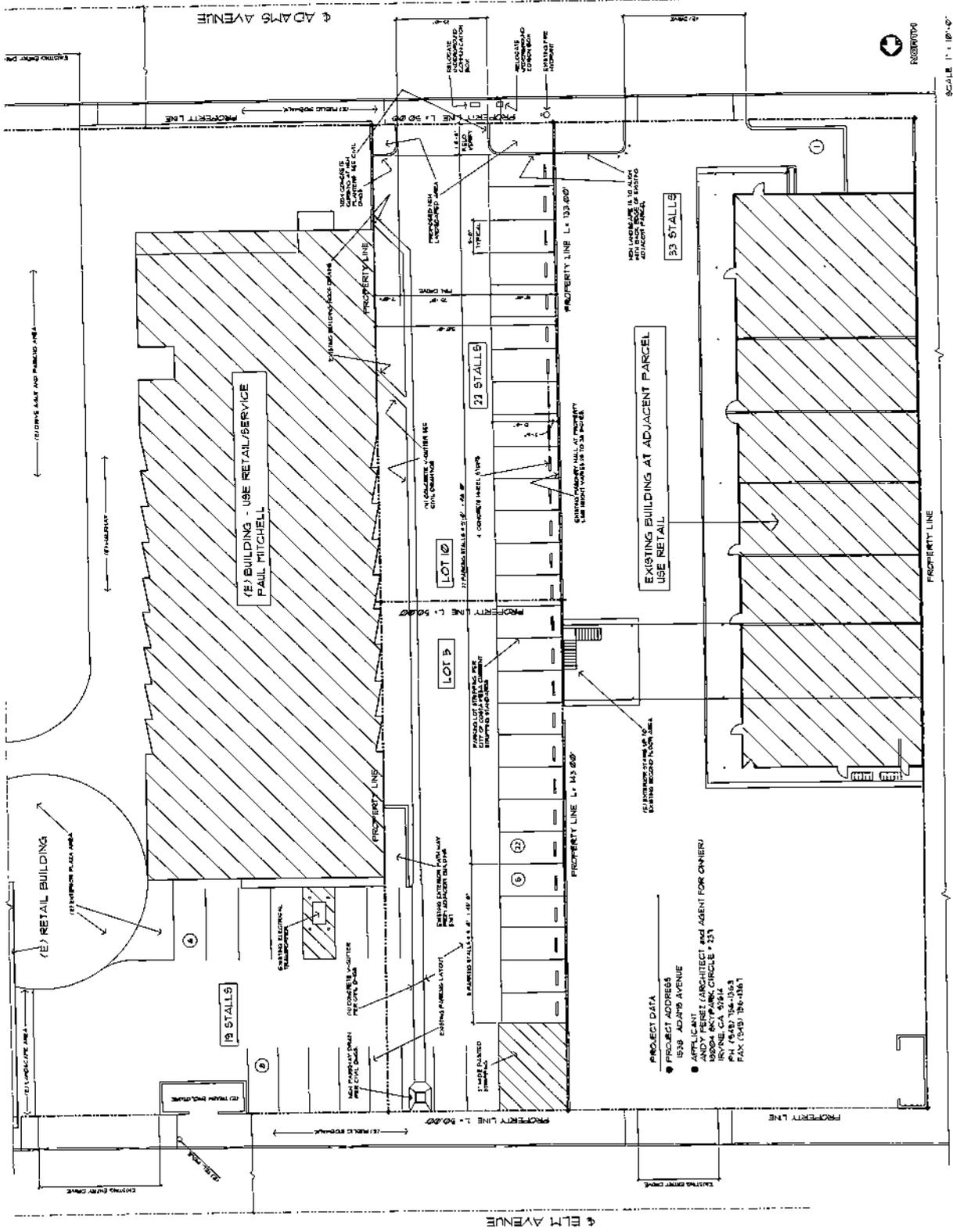
Revisions	No	Description	Date
▲			
▲			
▲			
▲			
▲			
▲			

ALL DIMENSIONS UNLESS OTHERWISE SPECIFIED ARE IN FEET AND INCHES. DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED. ALL DIMENSIONS SHALL BE TO THE CENTERLINE UNLESS OTHERWISE SPECIFIED.

Job Number: 1047
Rev. No. 003
Drawn:

Sheet No.

A-1



SITE PLAN - PARKING LAYOUT
1538 ADAMS AVENUE
COSTA MESA, CALIFORNIA 92626