



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: NOVEMBER 28, 2005

III.2.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-31
2524 HARBOR BOULEVARD AND 440 FAIR DRIVE

DATE: NOVEMBER 17, 2005

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

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to legalize off-site parking of employee vehicles for the Orange Coast Jeep Dealership at 2524 Harbor Boulevard at 440 Fair Drive, in conjunction with a minor conditional use permit to legalize outdoor boat and recreational vehicle (RV) storage, and a development review to construct a 600 square-foot storage building.

APPLICANT

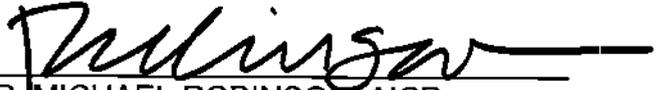
The applicant is Dennis D'Alessio, owner of 440 Fair Drive and the representative of the owner of 2524 Harbor Boulevard, Gray Family Trust.

RECOMMENDATION

Approve by adoption of Planning Commission resolution, subject to conditions.



MEL LEE, AICP
Senior Planner



R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The 440 Fair Drive property contains a two-story, 20,745 square-foot medical office building constructed in the early 1960's. The 2524 Harbor Boulevard property contains a motor vehicle dealership constructed in the early 1970's, which is currently occupied by Orange Coast Jeep.

The City's Code Enforcement Division has an open code enforcement case on the 440 Fair Drive property for the off-site dealership parking and the boat and RV storage the applicant is proposing to legalize under the proposed CUP. An existing tent structure immediately north of the existing medical building, which is also illegal, is proposed to be removed and replaced by the permanent storage building.

ANALYSIS

Conditional Use Permit for Off-Site Parking

According to the applicant, employees of Orange Coast Jeep, which abuts the subject property to the west, park their vehicles on the subject site. Code Section 13-92(m) requires a conditional use permit for off-site parking. The applicant is proposing to legalize the use of 30 parking spaces for dealership employees. The parking area for 440 Fair Drive is currently paved and striped for parking. The parking area paving is deteriorated and needs to be replaced. The applicant is proposing to resurface and restripe the parking area. The parking requirements for the existing uses are summarized in the table below:

# Spaces Required for Existing Medical Office Uses (6 Spaces/1,000 Sq. Ft.)	51 Spaces*
# Spaces Required for Cambridge Dental College (10 Spaces/1,000 Sq. Ft.)	12 Spaces
# Spaces Required for Non-Medical Office and Retail Uses (4 Spaces/1,000 Sq. Ft.)	42 Spaces*
# Spaces Provided For Orange Coast Jeep Employee Parking	30 Spaces
Total Spaces Required	135 Spaces
Total Spaces Proposed	152 Spaces
Total Surplus Spaces	17 Spaces

*Based on shared parking analysis.

The site plan prepared by the applicant showing the proposed parking area improvements is of poor quality; as a result, a colored aerial photo exhibit prepared by staff is also attached to this report for clarity.

Based on the above parking requirements, there would be adequate parking for all of the uses on this property, provided a mix of retail and/or non-medical office uses is maintained to prevent a shortage in parking spaces. Staff is recommending, as a condition of approval, that no more than 9,700 square feet of building area be occupied by uses that require a parking ratio greater than 4 spaces/1,000 square feet of floor area (condition number 6).

Minor Conditional Use Permit for Outdoor Boat and RV Storage

The applicant is also requesting a minor conditional use permit to legalize the storage of one (1) RV and one (1) boat on the property. According to the applicant, both items are related to one of the existing publishing businesses (VMG) operating within the building. Because the storage will be limited to the two vehicles, the storage will not impact the parking spaces required for the other on-site uses. They will also be stored in the area adjacent to the proposed storage building (discussed below) and will not be visible from the street. As a result, staff supports the request. Staff is recommending, as conditions of approval, that the stored vehicles not be in a wrecked or dismantled condition and that no one be allowed to occupy or live in the RV or boat stored on the property (conditions numbers 7 and 8).

Development Review for Storage Building

The applicant proposes to construct a 600 square-foot storage building to replace the existing (illegal) tent structure. The property is legal nonconforming with regard to maximum allowable FAR (Floor Area Ratio): a .25 FAR is allowed for moderate uses; .28 FAR is existing, and .29 FAR is proposed with the storage building. Objective LU-1E.1(a) of the 2000 General Plan allows a limited increase (.05 FAR maximum) in the amount of FAR for moderate uses provided the increase does not cause the trip generation for the site to be exceeded. Due to the small size of the building, and because the proposed building will be used only for storage, it will not cause the trip generation for the site to be exceeded. Therefore, staff supports the request.

Other Issues

Due to the ongoing code enforcement activity related to the property, staff is recommending, as a condition of approval, the site improvements related to the conditional use permit (resurfacing and restriping the parking area; removal of the tent, and construction of the permanent storage building) be completed no later than 120 days from the date of approval.

ALTERNATIVES

If the application is denied, the use cannot be established on the property. The applicant will be required, through the ongoing code enforcement action, to remove the illegal off-site dealership parking, the boat and RV storage, and the existing tent structure. The property could still be used as a parking area for the existing office building.

CONCLUSION

The proposed use, with the recommended conditions of approval, should be compatible with surrounding properties and uses. Therefore, staff recommends approval of the uses.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Applicant's Project Description and Justification
 Zoning/Location Map
 Photos and Site Plan Prepared by Staff
 Plans Prepared By Applicant

cc: Deputy City Manager - Dev. Svs.
 Senior Deputy City Attorney
 City Engineer
 Fire Protection Analyst
 Staff (4)
 File (2)

D'Alessio Investments, LLC
Attn: Dennis D'Alessio
440 Fair Drive, Suite 200
Costa Mesa, CA 92627

Gray Family Trust
Attn: Sheldon Cohen
732 Via Lido Nord
Newport Beach, CA 92663

Orange Coast AMC/Jeep Inc.
2524 Harbor Boulevard
Costa Mesa CA 92626

File: 112805PA0531	Date: 111605	Time: 9:45 a.m.
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RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-31**

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

WHEREAS, an application was filed by Dennis D'Alessio, authorized agent for Gray Family Trust, with respect to the real properties located at 2524 Harbor Boulevard and 440 Fair Drive, requesting approval of a conditional use permit to legalize off-site parking of employee vehicles for the Orange Coast Jeep Dealership at 2524 Harbor Boulevard at 440 Fair Drive, in conjunction with a minor conditional use permit to legalize outdoor boat and recreational vehicle (RV) storage, and a development review to construct a 600 square-foot storage building; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 28, 2005.

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 Planning Commission hereby **APPROVES** Planning Application PA-05-31 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-05-31 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 28th day of November, 2005.

Bill Perkins, Chair,
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The proposed project complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the 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. Specifically, the General Plan allows a limited increase in the amount of FAR for moderate uses provided the increase does not cause the trip generation for the site to be exceeded. 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 and minor 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 off-site parking and outdoor storage, with the recommended conditions of approval, will be compatible with the abutting commercial uses.
- 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, under Section 15301., Existing Facilities.
- 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 planning application 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 planning application 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 use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant, property and/or business owner(s) shall institute whatever security and operational measures are necessary to comply with this requirement.
 3. A copy of the conditions of approval 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. 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 off-site parking.
 5. The parking lot for 440 Fair Drive shall be resurfaced and restriped. Parking layout shall comply with the City's Parking Design Standards. All parking stalls shall be double striped. The existing compact parking stall shall be clearly marked "compact" or "small car only".
 6. To insure adequate parking is available at all times on the property, no more than 9,700 square feet of building area be occupied by uses that require a parking ratio greater than 4 spaces/1,000 square feet of floor area.
 7. No more than one (1) RV and one (1) boat shall be stored on the property. The stored vehicles shall not be in a wrecked or dismantled condition and shall be screened from view of the street and shall be stored in the area adjacent to the proposed storage building per the approved site plan attached to the staff report.
 8. No one shall be allowed to occupy or live in the RV or boat stored on the property.
 9. 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, and between the hours of 8 a.m. and 7 p.m., on Saturday; there shall be no construction activity on Sunday and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting or other quiet interior work.
 10. Off-site dealership employee parking shall not exceed 30 spaces and shall be designated "dealership employee parking only". No storage of

- the dealership's motor vehicle inventory shall be permitted.
11. Site improvements related to the conditional use permit (resurfacing and restriping the parking area; removal of the tent, and construction of the permanent storage building) be completed no later than 120 days from the date of approval. The applicant shall contact the Planning Division to arrange an inspection of the site prior to that date. This inspection is to confirm that the conditions of approval and code requirements have been complied with.



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 PLANNING DIV. AT (714)754-5245.**