



PLANNING COMMISSION AGENDA REPORT

III.5.

MEETING DATE: FEBRUARY 13, 2006

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-55
100 AND 102 KALMUS DRIVE, 2955 AND 2995 RED HILL AVENUE

DATE: FEBRUARY 3, 2006

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 allow Secured Funding employees at 2955 and 2995 Red Hill Avenue to park off-site at 100 and 102 Kalmus Drive.

APPLICANT

The applicant is Ron Cruz, representing the property owners, Deutsch SDL Ltd., and Legacy Partners.

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**2955 and 2995 Red Hill Avenue**

The subject site is located on the southwest corner of Red Hill Avenue and Kalmus Drive. The site is approximately 11 acres in size and contains a 230,196 square foot office complex in three separate buildings addressed as 2955, 2975, and 2995 Red Hill Avenue. The property is zoned MP (Industrial Park) and has a General Plan designation of Industrial Park.

On February 14, 2005, Planning Commission approved Parcel Map PM-04-287 to subdivide the property into three lots, with a minor conditional use permit and conditional use permit for shared driveway access and parking. As of this date, the final map has been reviewed by Public Services, but has not yet been recorded.

At the time the office buildings were constructed, the project provided parking at the 4 spaces per 1,000 square feet parking ratio for office uses rather than the 3 spaces per 1,000 square feet parking ratio for industrial uses (395 spaces required; 916 spaces provided). However, the number of compact parking spaces provided on the property exceeded the 40% allowed under code at the time the site was developed (546 compact spaces, or 57% of the total on-site spaces). As a result, the site is legal nonconforming in terms of the amount of compact parking spaces provided.

100 and 102 Kalmus Drive

The subject site, which is also zoned MP (Industrial Park) and has a General Plan designation of Industrial Park, is located approximately 650 feet to the west of the Red Hill property (across Kalmus Drive) and contains a 31,500 square foot industrial building. The portion of the building addressed as 102 Kalmus Drive is approximately 19,800 square feet in size and contains 68 parking spaces; 100 Kalmus Drive is approximately 11,700 square feet and contains 54 parking spaces.

DISCUSSION

Secured Funding is a mortgage finance company that occupies approximately 104,000 square feet of the 2955 and 2995 Red Hill Avenue buildings. The company has approximately 750 employees, but only 416 on-site parking spaces are provided for their total building area. As a result, many employees park on surrounding public streets.

To offset the shortage of available on-site parking spaces at 2955 and 2995 Red Hill Avenue for the number of employees for Secured Funding, the applicant leased the portion of the property addressed as 102 Kalmus Drive to provide off-site overflow parking. Per Code Section 13-93(m), the applicant is requesting approval of a conditional use permit to authorize the off-site parking.

The applicant is proposing to modify the parking area and building at 102 Kalmus Drive to provide a total of 141 off-site parking spaces. The spaces will be located inside the building as well as within the existing parking area outside the building. The parking area utilized for the business that occupies 100 Kalmus Drive will not be affected. The applicant is proposing 28 compact parking spaces (20% of the proposed number of

spaces). Normally, a variance would be required to allow 20 percent compact parking, however, because the parking is not required by code, a variance is not needed.

As indicated earlier, the Red Hill property is approximately 650 feet to the west of the Kalmus property and is across the street; as a result, shuttle access is proposed between the two sites. Staff has included, as conditions of approval, that an employee shuttle be provided at all times during business hours (condition no. 13) and no pick-up or drop-off of passengers be done on public streets (condition no. 14). Staff is also recommending, as a condition of approval, that the Zoning Administrator review the CUP in 6 months to determine if the proposed off-street parking and shuttle service has reduced the amount of on-street parking (condition no. 2).

To protect the City from potential legal liability because the off-site parking is located across a public street, the recommended conditions of approval include a requirement for insurance and a hold harmless agreement (condition nos. 9 and 10).

ALTERNATIVES

If the conditional use permit were denied, it would prevent the use of off-site parking from operating at this location, and the employees of Secured Funding would continue to use on-street parking. The applicant could not submit substantially the same type of application for six months.

CONCLUSION

It is staff's opinion that the proposed use, with the recommended conditions of approval, will not adversely affect adjacent industrially zoned properties, as well as reduce parking on surrounding public streets. Therefore, staff recommends approval of the request.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Applicant's Project Description and Justification
 Location Map
 Plans/Photos

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

Ron Cruz
 Senior Associate Project Manager
 Hogle-Ireland, Inc.
 2860 Michelle Drive, Suite 100
 Irvine, CA 92606

RESOLUTION NO. PC-06-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING PLANNING
APPLICATION PA-05-55**

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

WHEREAS, an application was filed by Ron Cruz, representing the property owners, Deutsch SDL Ltd., and Legacy Partners, owners of real property located at 2955 and 2995 Red Hill Avenue, requesting approval of a conditional use permit to allow off-site overflow parking at 102 Kalmus Drive; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on February 13, 2006.

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-05-55 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-05-55 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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 13th day of February, 2006.

Bill Perkins, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS

- A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use, as conditioned, is substantially compatible with developments in the same general area. Granting the 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, adverse impacts on neighboring properties are not anticipated because shuttle access is proposed between the two sites. The recommended conditions of approval will ensure that the operation will not be disruptive to adjacent uses or properties. Granting the conditional use permit will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.

- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The proposed use is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.

- 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 conditional use permit 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 conditional use permit 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 Zoning Administrator shall review the CUP in 6 months to determine if the proposed off-street parking and shuttle service has reduced the amount of on-street parking.
 3. A copy of the conditions of approval for the conditional use permit 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. The business operator shall be responsible for enforcing the parking restrictions as described herein. Any proposed operational change that significantly increases or intensifies the off-site parking shall require approval of an amendment to this conditional use permit by the Planning Commission.
 5. The conditions of approval and ordinance or code provisions of Planning Application PA-05-55 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
 6. The applicant shall submit a parking management plan to the Planning Division for review and approval prior to issuance of building permits.
 7. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The business operator shall institute whatever operational measures are necessary to comply with this requirement.
 8. If parking shortages or other parking-related problems arise, the business operator shall institute whatever operational measures necessary to minimize or eliminate the problem.
 9. Applicant and their representatives shall defend, indemnify and hold harmless the City, its officials, and employees, against all damages, claims and legal actions for property damage or injuries to or death of any person(s), including attorney fees and costs, arising from, or caused by, person(s) crossing the street to and from 2955 and 2995 Red Hill Avenue to the off-site parking at 102 Kalmus Drive for such damages as the City may be adjudged to be liable, excepting for active negligence of the City or for matters within the sole control of the City unconnected with the applicant's activities. City shall have the right to select its own defense attorney, if it elects to do so.

10. An indemnity agreement executed by the applicant and their representatives and approved by the Risk Manager's office shall be provided to the City. Applicant shall provide the City with proof of general liability insurance with \$1 million limits and including endorsements concerning "additional named insured", "Advance notice", and "primary coverage" as approved by the Risk Manager's office, prior to initiation of the off-site parking.
11. The applicant shall provide a copy of the parking lease agreement between the owners of 2955 and 2995 Red Hill Avenue and 102 Kalmus Drive to the City.
12. Complaints regarding violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.
- Trans. 13. An employee shuttle shall be provided at all times during business hours.
14. No pick-up or drop-off of passengers shall be done on public streets. All shuttle stops shall be on private property.

CITY OF COSTA MESA PLANNING APPLICATION
PROJECT DESCRIPTION AND JUSTIFICATION

1. Project Address: 102 Kalmus

2. Fully describe your request:
Request to provide overflow parking at 102 Kalmus for office bldg. located at 2955 Redhill. The lot at 102 Kalmus is not for required parking.

3. Justification:
A. For a Conditional Use Permit or Minor Conditional Use Permit: On a separate sheet, 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.
Attached

B. For a variance or Administrative Adjustment: On a separate sheet, 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.

4. This project is: (check where appropriate)
 In a flood zone. In the Redevelopment Area.
 Subject to future street widening. In a Specific Plan Area.
 Includes a drive-through facility.
(Special notice requirements, pursuant to GC Section 65091 (d))

5. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:
 Is not included in the publication indicated above.
 Is included in the publication indicated above.

Signature 

Date 11/17/05



November 3, 2005

City of Costa Mesa
Development Services Department
77 Fair Drive
Costa Mesa, CA 92628

**SUBJECT: SUBMITTAL OF CONDITIONAL USE PERMIT APPLICATION FOR OFF-SITE
PARKING LOCATED AT 102 KALMUS DRIVE, COSTA MESA, CA**

To Whom It May Concern:

On behalf of Deutsch SDL, LTD, I am pleased to submit a Conditional Use Permit Application for your review and consideration. The proposal involves the non-structural modification of an existing industrial building and parking lot located at 102 Kalmus Drive in order to provide off-site parking for Secured Funding Corporation, located at 2955 Redhill Avenue.

Secured Funding is a mortgage banker specializing in home equity finance and is based in Costa Mesa. Secured Funding proposes to lease the building at 102 Kalmus Drive in order to provide overflow parking for employees, and alleviate street parking in the neighborhood. The proposed parking lot at 102 Kalmus Drive will not replace the existing parking at 2955 Redhill Avenue, but will only provide overflow parking. Secured Funding Corp. will provide an on-site attendant and all-day shuttle service for employees to and from the parking lot. The site will not be used for commercial purposes as only Secured Funding employees are permitted to utilize the site.

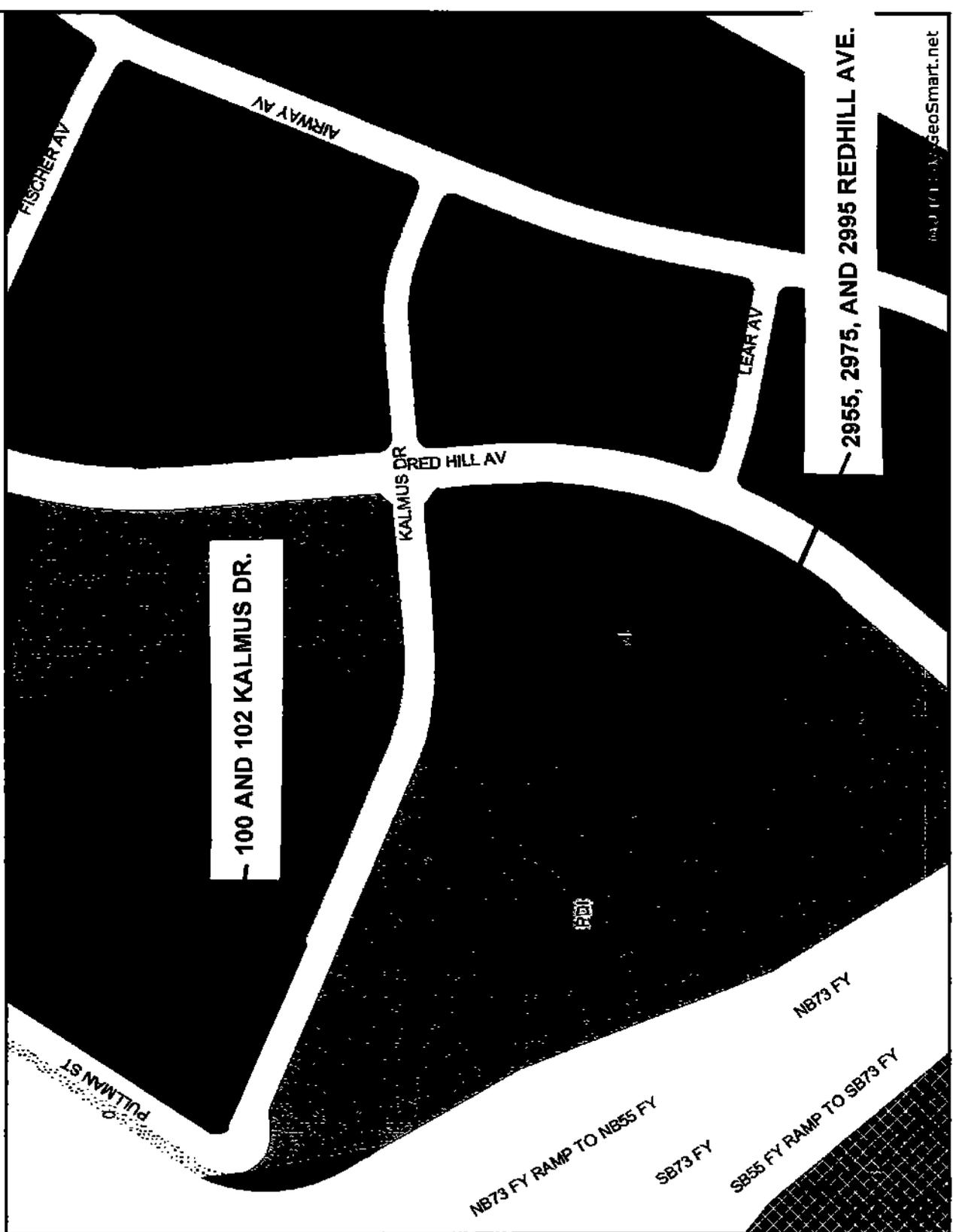
The site is located in the Industrial Park Zone, and Industrial General Plan Designation. In accordance with the Costa Mesa Municipal Code, the proposed parking lot requires a Conditional Use Permit. The proposed lot is in compliance with minimum parking stall and drive aisle dimensions and provides a maximum of 20% small car spaces in accordance with the Costa Mesa Industrial Development Standards. If you have any questions or need additional clarification on the project design, please contact me at (949) 553-1427.

Sincerely,

Ron Cruz
Senior Associate Project Manager
Hogle-Ireland, Inc.

ZONING/LOCATION MAP

PA-05-55



100 AND 102 KALMUS DR.

2955, 2975, AND 2995 REDHILL AVE.

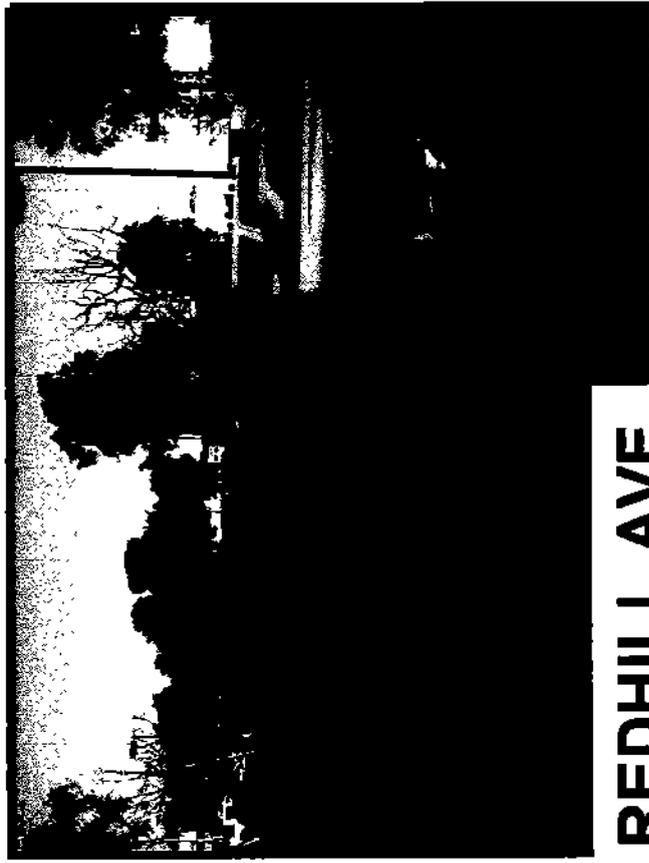
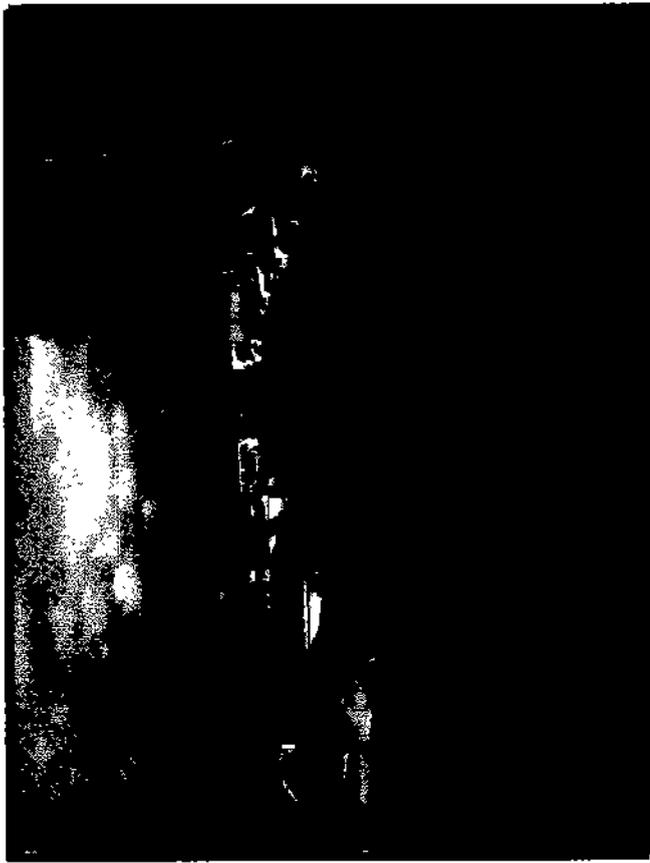
Legend

Street Names
Zoning

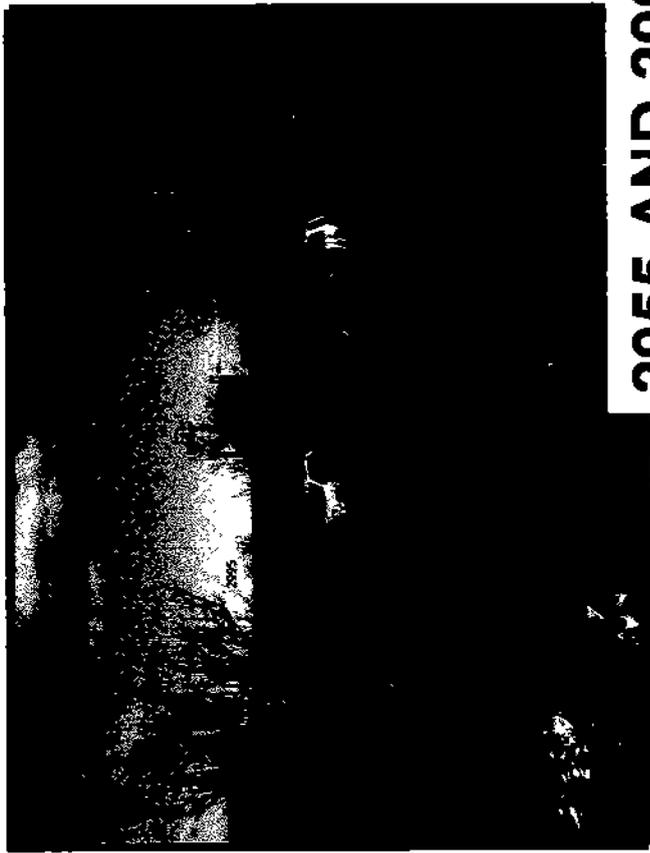
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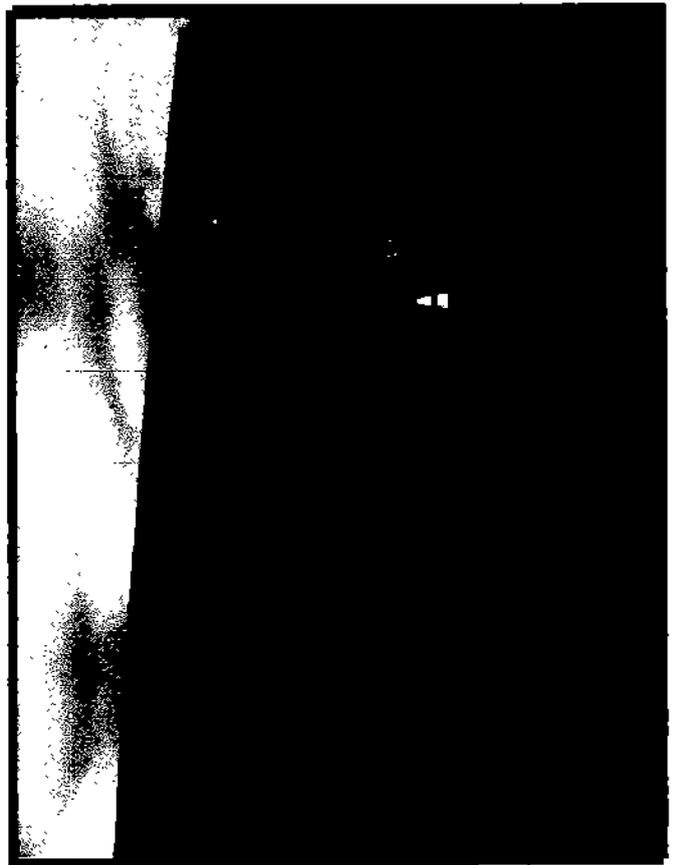
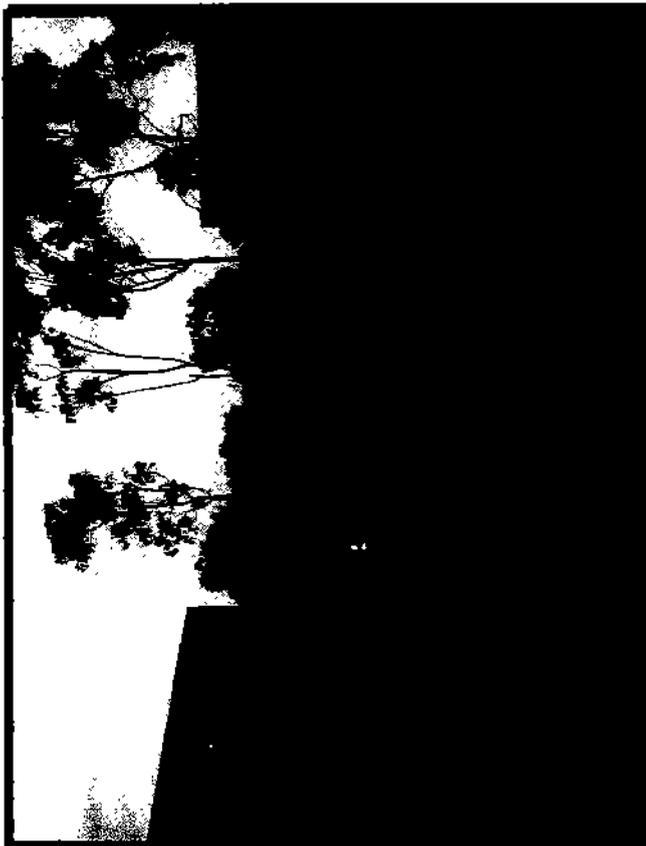


Powered By GeoSmart.net

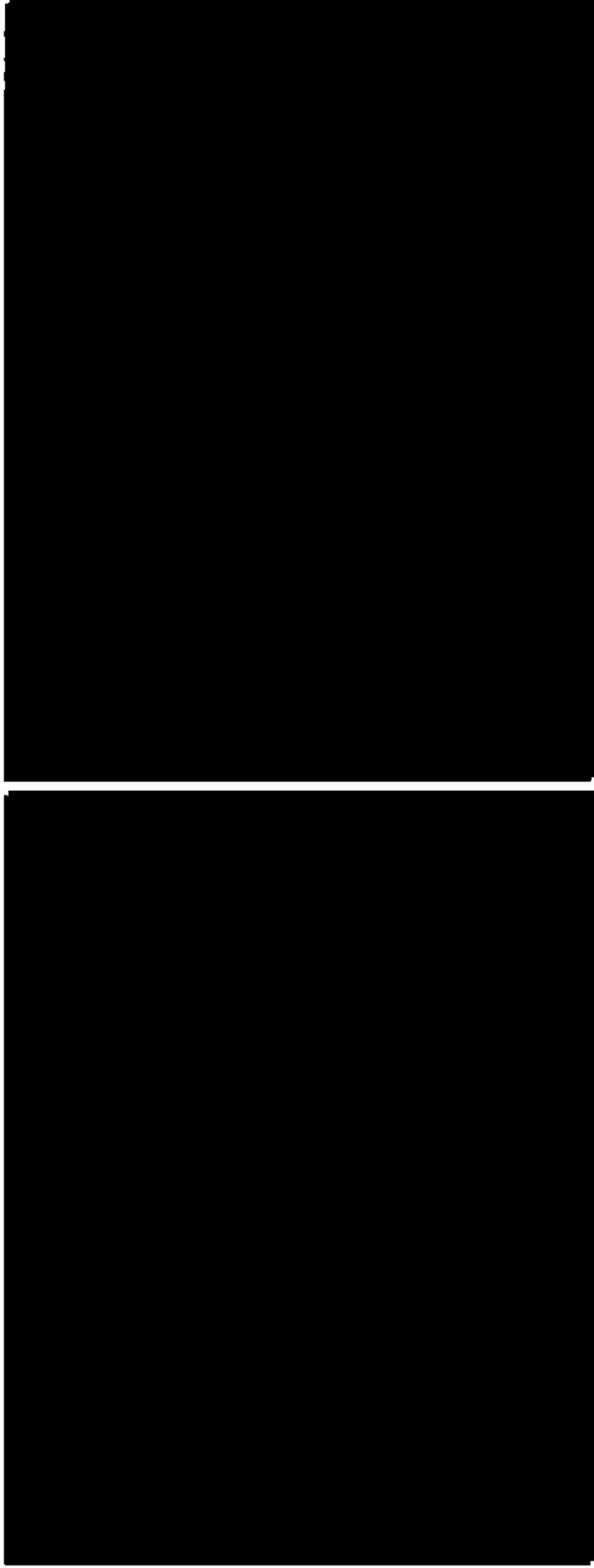


2955 AND 2995 REDHILL AVE.

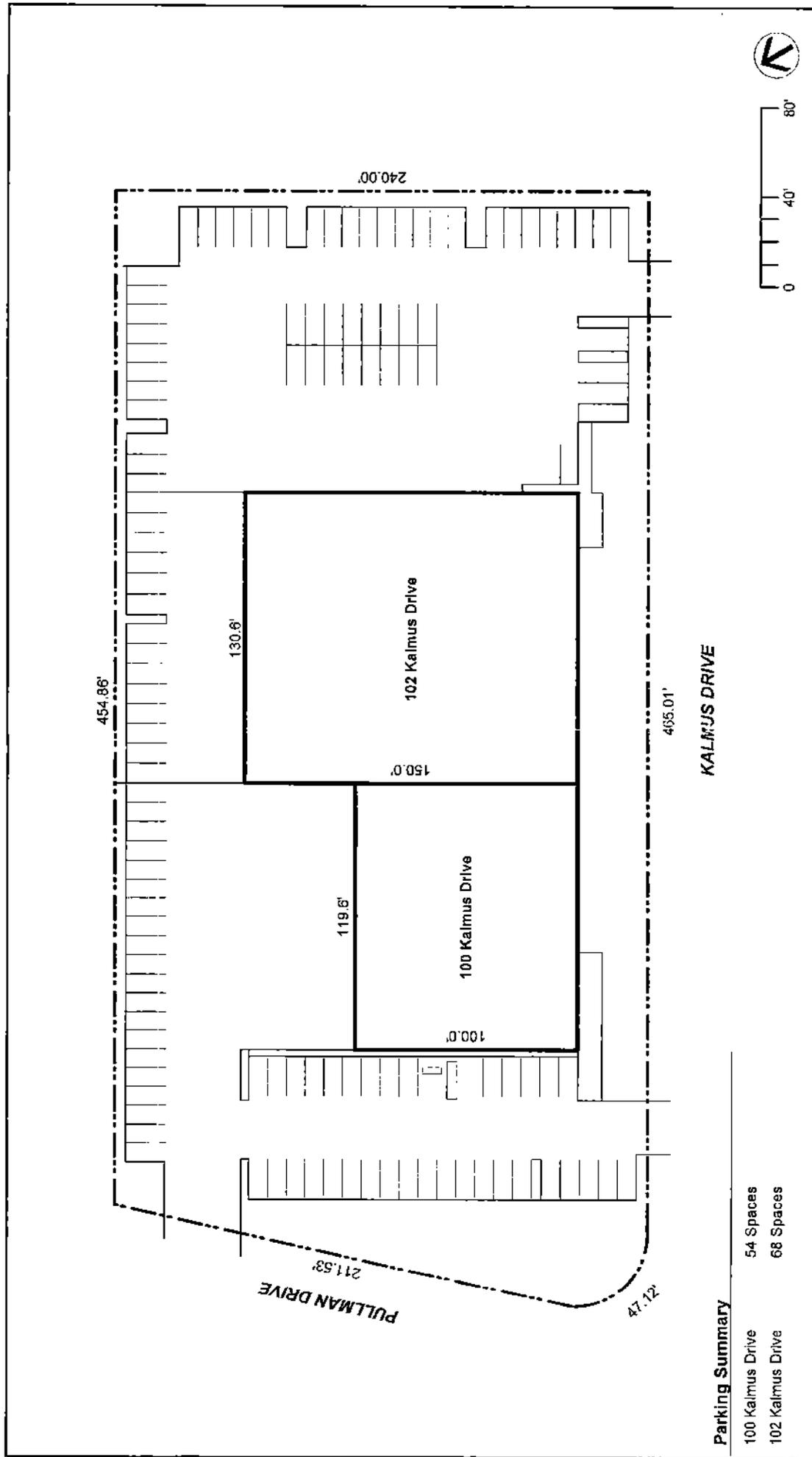




102 KALMUS DR.



EXISTING EMPLOYEE PARKING SIGNS



Parking Summary

100 Kalmus Drive 54 Spaces
 102 Kalmus Drive 68 Spaces

HOGLE-IRELAND
 A Land Planning & Development Learning Firm

42 Corporate Blvd, Suite 250
 Irvine, California 92614
 Phone: 949.261.1100
 Fax: 949.261.2032

Note: This site plan is intended for reference only. It has been developed from existing drawings and on-site measurements. The accuracy can not be guaranteed. On-site verifications and modifications may be required.

Site Plan PA-05-55
 102 Kalmus, Costa Mesa CA

1"=40'-0"
 1/1/2005

Sheet

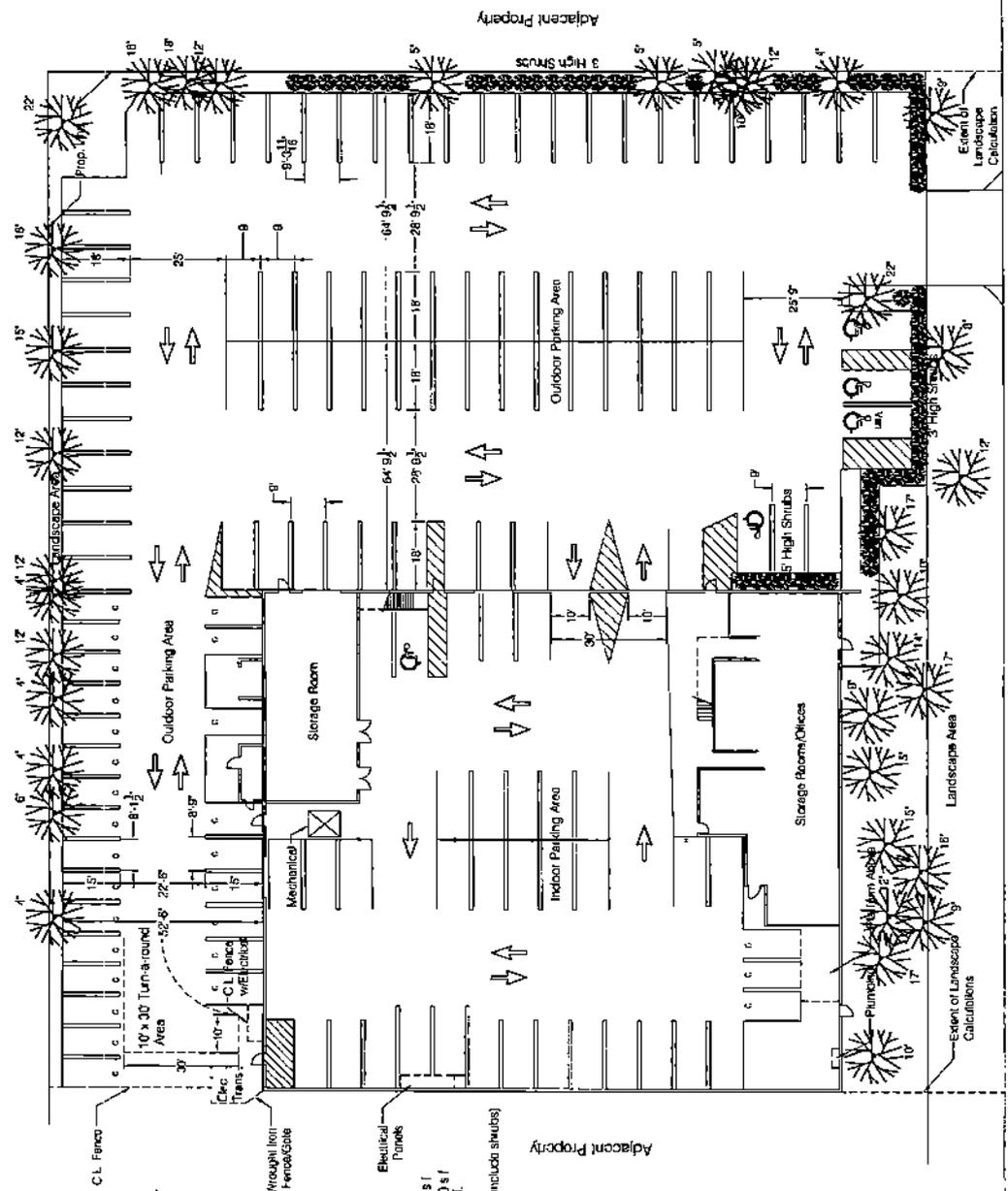
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File Copy

102 KALMUS DRIVE PARKING LOTS COSTA MESA, CA (SELF-PARK LAYOUT)

parking design group
los angeles omaha houston
1431 Ventura Blvd #169 Tel No: (818) 901-2125
Shimizu Corp, CA 91423 Fax No: (818) 990-0494

DATE: 12-14-05
SCALE: 1"=30'-0"
SHEET: P-2



Area Calculations:
Indoor Parking = 14,150 s.f.
Outdoor Parking = 31,100 s.f.
Landscaping = 14,150 s.f.
Trees - 35 (116 required)
(existing trees, does not include shrubs)
Area/tree = 404 s.f./tree

Note:
This plan is intended for reference only. It has been developed from existing drawings and site measurements. The accuracy cannot be guaranteed. Check verification with the contractor for impact.

Kalmus Drive

PA-05-55

