



# **PLANNING COMMISSION AGENDA REPORT**

VI. 6

MEETING DATE: JANUARY 14, 2008

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-07-47  
2828 HARBOR BOULEVARD

DATE: JANUARY 3, 2008

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

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## **PROJECT DESCRIPTION**

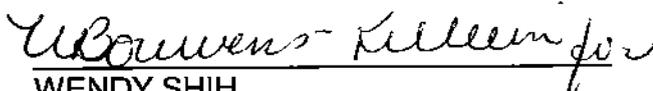
The applicant is requesting approval of a conditional use permit to construct a new 15,740 square-foot automobile sales facility (to replace two existing sales/administration buildings totaling 12,987 square feet) with a variance from maximum allowable building height (30 feet permitted; 39 feet-6 inches proposed).

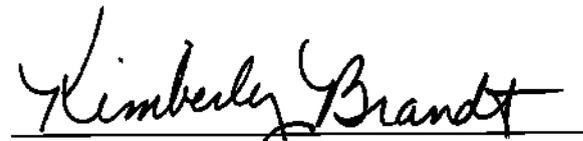
## **APPLICANT**

Steve Kay is the authorized agent for property owner Connell Properties.

## **RECOMMENDATION**

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

  
WENDY SHIH  
Associate Planner

  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 2828 Harbor Boulevard Application: PA-07-47

Request: Conditional use permit to construct a new 15,740 square-foot automobile sales facility (to replace two existing sales/administration buildings totaling 12,987 square feet) with a variance from maximum allowable building height (30 feet permitted; 39 feet-6 inches proposed).

### SUBJECT PROPERTY:

### SURROUNDING PROPERTY:

Zone: <u>C1 (Local Business District)</u>	North: <u>C1 (auto dealership)</u>
General Plan: <u>General Commercial</u>	South: <u>C1 (commercial) and R3 (Apartments)</u>
Lot Dimensions: <u>Irregular</u>	East: <u>P (leased parking lot from OCC)</u>
Lot Area: <u>5 acres</u>	West: <u>C1 (commercial)</u>
Existing Dev.: <u>Two sales/administration buildings totaling 12,987 sq.ft. (to be demolished) and 20,972 sq.ft. service building (to remain).</u>	

### DEVELOPMENT STANDARD COMPARISON (EXISTING BUILDING)

<u>Development Standard</u>	<u>Required/Allowed</u>	<u>Proposed/Provided</u>
Lot Size:	12,000 sq.ft.	212,552 sq.ft.
Floor Area Ratio (Moderate Traffic):	.30 (63,765 sq.ft.) maximum	.17 (36,712 sq.ft.)
Building Height:	2 stories/30 ft.	2 stories/39 ft.-6 in. <sup>1</sup>
Setbacks (new building):		
Front (Harbor Boulevard)	20 ft.	125 ft.
Interior Sides (left/right)	0 ft./15 ft.	0 ft./133 ft.
Rear	0 ft.	30 ft. to existing service bldg.
Parking:		
Standard	82	87
Handicapped	4	4
<b>TOTAL:</b>	<b>86<sup>2</sup></b>	<b>91</b>

CEQA Status: Exempt (Class 32)  
 Final Action: Planning Commission

- 1 Variance requested.
- 2 Existing, nonconforming parking of 75 spaces; 86 spaces required with 2,753 sq.ft. net increase.

## **BACKGROUND**

The subject property is located near the northeast corner of Adams Avenue and Harbor Boulevard. The lot is zoned C1 (Local Business District) with a General Plan designation of General Commercial. It contains two sales/administration buildings totaling 12,987 square feet and a 20,972 square-foot service building for Connell Chevrolet.

The applicant proposes to demolish the sales and administration buildings and replace them with a new two-story, 15,740 square-foot building. The existing service building will remain and will be painted and screened from view from Harbor Boulevard by new 8-foot high block wall and landscaping.

A conditional use permit (CUP) is required for expansion of the automobile sales and a variance is required to exceed the 30-foot building height limit by 9 foot-6 inches. (This request was originally noticed for a 35-foot building height. Although the request is modified to allow an additional 4 feet-6 inches, staff has proceeded since this is still substantially the same request.)

## **ANALYSIS**

### **CONDITIONAL USE PERMIT**

The applicant states that the existing site, developed in 1965, has become congested and the facility outdated. The proposed building will contain a showroom/reception area, information and customer consultation areas, service area with individual advisor offices, customer waiting area with large screen entertainment, reading and child play areas, and laptop/internet connection, along with offices and conference rooms. Customer parking will be expanded and placed in front of the new building. Approximately 3,300 square feet of landscaping will also be added to the interior of the property to soften and complement the new building. The site will retain its existing access points and vehicle display areas along Harbor Boulevard and Adams Avenue.

With exception of the requested building height variance (discussed below), the proposed construction complies with all applicable commercial development standards. The increased building size is still below the allowable floor area ratio (FAR) standards (.30 allowed; .17 with both buildings proposed) and its location allows for adequate on-site circulation and additional customer parking spaces.

It is staff's opinion that the proposal provides an upgrade to the existing property without negatively impacting surrounding properties. No impacts to the apartment complex across Adams Avenue are anticipated since the proposed building is more than 300 feet away from the residences and no site changes are proposed on the portion of the property that fronts Adams Avenue.

### **VARIANCE**

The proposed two-story building will have an updated appearance with three colors of aluminum composite material for the showroom exterior and an off-white scored surface

for the remaining portions of the building. The building will be 35 feet-6 inches high with a 39 foot-6 inch high enhanced entry feature. A variance is necessary because the Zoning Code allows a maximum building height of 30 feet in the C1 zone.

The applicant states that because automobile use has increased since the property was developed in 1965, and the need to maximize use of the ground display area within existing property limits, the existing single-story structure is no longer sufficient for the dealership operations. The applicant also states that the additional building height is necessary to accommodate accessible mechanical, fire suppression, and electrical systems, an elevator shaft, and to provide screening for rooftop equipment. The roof will range in height from 28 feet to 32 feet; however, the parapet wall will extend approximately 5 feet beyond the height limit and an entry element will project over 9 feet beyond the height limit.

It is staff's opinion that the proposed deviation from building height limit should not create a negative visual impact from on or off site, nor will it be incompatible with surrounding properties. Specifically, the building will be set back 125 feet from Harbor Boulevard and more than 300 feet from Adams Avenue and it will provide variation in architectural elements, materials, and colors to break up the elevations. Additionally, the existing shopping center across Harbor Boulevard contains a two-story building and the property across Adams to the south contains a legal, nonconforming three-story building. Under PA-07-01, Planning Commission approved a variance to allow a 41-foot height for a portion of the CarMax building – containing a similar use – at 3200 Harbor Boulevard. Therefore, it is staff's opinion that the proposed building will not be incompatible or appear obtrusive in comparison to existing development in the area and that granting the variance would not constitute a grant of special privilege inconsistent with other properties in the vicinity.

### **GENERAL PLAN CONSISTENCY**

The General Plan permits a wide range of commercial uses in the General Commercial designation, including the existing automobile dealership. The proposed development with a .17 FAR is also within the allowable building intensity standard to accommodate moderate traffic generating uses (maximum FAR of .30 allowed). Therefore, the proposal is consistent with the General Plan.

### **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Approve Planning Application PA-07-47, which would allow construction of the building with site improvements as proposed.
2. Deny the variance from building height limitation and approve the conditional use permit to allow expansion of the automobile sales facility. The building will be required to be redesigned to comply with the 30-foot height limit.
3. Deny the application, which would prohibit the project from being built and substantially the same request cannot be resubmitted for six months.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development Projects.

**CONCLUSION**

It is staff's opinion that the proposed project will provide an upgrade to the property without negatively impacting surrounding developments. Approval of the variance from building height will accommodate mechanical, fire suppression, and electrical systems, an elevator shaft, and to provide screening for rooftop equipment, as well as an accent entry feature. The building will be set back 125 feet from Harbor Boulevard and more than 300 feet from Adams Avenue and is consistent with other buildings in the area as well as a recent approval for CarMax at 3200 Harbor Boulevard. Additionally, staff believes that the proposed building will not be incompatible or appear obtrusive in comparison to existing developments in the area. Therefore, staff recommends approval of the applicant's requests.

Attachments:       Draft Planning Commission Resolution  
                           Exhibit "A" - Draft Findings  
                           Exhibit "B" - Draft Conditions of Approval  
                           Applicant's Project Description Letter  
                           Zoning/Location Map  
                           Plans

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

Steve Kay  
 18303 Fitzpatrick Lane  
 Occidental, CA 95465

Paul Doddridge  
 2828 Harbor Boulevard  
 Costa Mesa, CA 92626

File: 011408PA0747

Date: 010308

Time: 8:00 a.m.

**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-07-47**

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

WHEREAS, an application was filed by Steve Kay, authorized agent for property owner Connell Properties, with respect to the real property located at 2828 Harbor Boulevard, requesting approval of a conditional use permit to construct a new 15,740 square-foot automobile sales facility (to replace two existing sales/administration buildings totaling 12,987 square feet) with a variance from maximum allowable building height (30 feet permitted; 39 feet-6 inches proposed), in a C1 zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 14, 2008;

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-07-47 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-07-47 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. 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 14<sup>th</sup> day of January 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on January 14, 2008, by the following votes:

AYES: COMMISSIONERS  
NOES: COMMISSIONERS  
ABSENT: COMMISSIONERS  
ABSTAIN: COMMISSIONERS

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Secretary, Costa Mesa  
Planning Commission

## EXHIBIT "A"

FINDINGS

- A. The proposed use 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 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.
  3. The project is consistent with the General Plan since the General Commercial designation allows the existing automobile dealership use and the proposed development with a .17 FAR is also within the allowable building intensity standard to accommodate moderate traffic generating uses (maximum FAR of .30 allowed).
  4. The planning application is for a project-specific case and does not establish a precedent for future development.
  5. The cumulative effect of all planning applications have been considered.
- 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 will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, with exception of the building height variance, the proposed construction complies with all applicable commercial development standards. No impacts to the apartment complex across Adams Avenue are anticipated since the proposed building is more than 300 feet away from the residences and no site changes are proposed on the portion of the property that fronts Adams Avenue.
- C. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because additional building height is necessary to accommodate accessible mechanical, fire suppression, and electrical systems, an elevator shaft, and to provide screening for rooftop equipment. The proposed building will not be incompatible or appear obtrusive in comparison to existing development in the area and granting the variance would not constitute a grant of special privilege inconsistent with other properties in the vicinity. Granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- D. 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 15332 for In-Fill Development Projects.
- E. 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. 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 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. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
  2. 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.
  3. Address assignment shall be requested from the Planning Division prior to submittal of working drawings for plan check. The approved address of individual units, suites, buildings, etc., shall be blueprinted on the site plan and on all floor plans in the working drawings.
  4. 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 continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
  5. To avoid an alley-like appearance, driveways shall be developed without a center swale. Design shall be approved by the Planning Division.
  6. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
  7. 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 reduction of vehicle display areas for additional parking spaces.
  8. The conditions of approval and ordinance or code provisions of planning application PA-07-47 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  9. The applicant shall contact the Planning Division to arrange Planning inspection of the site prior to the release of occupancy. This inspection

is to confirm that the conditions of approval and code requirements have been satisfied.

10. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays 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.
11. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or property owner shall institute whatever security and operational measures are necessary to comply with this requirement.
12. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
13. Show method of screening for all new ground-mounted mechanical equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted electrical and mechanical equipment shall not be located in any landscaped setback visible from the street.
14. Every effort shall be made to follow sustainable building practices in the construction of the building and development of the project site. Compliance and certification with the United States Green Building Council's LEED program is highly encouraged.
- Eng. 15. 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.



**DESIGN BUILD MANAGEMENT**

18303 Fitzpatrick Lane  
Occidental, CA 95465  
Tel: 707-874-2976  
Fax: 707-874-2978  
<http://www.db-m.com>

Wednesday, November 21, 2007

Willa Bouwens-Killeen AICP  
Costa Mesa Planning Department  
77 Fair Drive  
Costa Mesa, CA 92628

Re: Request for Height Variance, Proposed Sales and Administration Facility for:  
Connell Chevrolet, 2828 Harbor Boulevard, Costa Mesa, CA.

Dear Willa,

This letter is a request for a variance from the thirty foot height limit of the C1 zone in the Costa Mesa Municipal Code to permit a structure of 33'-6" above the ground plane typically and an entry feature of 37'-6" above the ground plane. This request is made due to circumstances of the property, will have a beneficial effect for the public and is not considered under these circumstances to be a grant of special privilege to the applicant.

The property has long been used for retail auto sales and servicing. When Connell Chevrolet was originally developed in the early 1960's, automobile use was much lower and the property size was sufficient for dealership operations using single story structures. In the more than forty years since its original development, automobile use and resulting sales have increased requiring a larger facility while the property limits are fixed. To demonstrate this condition, the dealership recently acquired an adjacent lease parcel from Orange Coast College for vehicle storage.

With limited ground area, the dealership wishes to construct a two story building for its new sales and administration facility. The new structure like modern office buildings utilizes interstitial spaces between the suspended ceiling and the floor or structure above for accessible mechanical, fire suppression and electrical systems which are subject to repair and change over time. These requirements of modern construction make it impossible to achieve a two story building within the thirty foot height limit. This is recognized in the current 2003 CBC Building Code Table 5B, wherein a two story building is permitted up to 40 feet above the ground plane.

We also wish to screen the roof top mechanical equipment from view to make the building more attractive to the public. While the roof is under the thirty foot limit the parapet mechanical screen must exceed this limit to adequately screen the equipment from view.

Under current accessibility regulations an elevator is required to provide access to the second floor. An elevator must have a penthouse structure of at least 34' above the ground plane to permit the installation and operation of the code required elevator.

The design also includes an entry element at the front door which is 4' higher than the parapet. This is a commonly used device to break the long unbroken horizontal line of the

building improves its appearance and helps identify the main building entry from the street. Codes often grant height limit exceptions to such specialized and limited architectural elements.

We do not know if other projects have been granted a variance for height but believe that such a variance will permit the development of attractive and ground conserving structures without excessively exceeding the current height limit and is therefore not a grant of special privilege to the applicant but a recognition of changing land values and building technology.

Sincerely,

A handwritten signature in black ink, appearing to read "S. Kay". The signature is fluid and cursive, with the first letter "S" being particularly large and stylized.

Steve Kay, AIA



Exhibitor: NADA Expo 2008, San Francisco, California



**DESIGN BUILD MANAGEMENT**

18303 Fitzpatrick Lane  
Occidental, CA 95465  
T. 707-874-2976  
F. 707-874-2978  
<http://www.db-m.com>

Saturday, November 17, 2007

Willa Bouwens-Killeen AICP  
Costa Mesa Planning Department  
77 Fair Drive  
Costa Mesa, CA 92628

Dear Ms. Bouwen-Killeen,

This applicant letter is a part of the required submittals for a conditional use permit and administrative adjustment application for a proposed new automobile dealership for Connell Chevrolet, 2828 Harbor Boulevard, Costa Mesa, CA.

The existing dealership has been in continuous operation since the early 1960's at the northeast corner of Harbor Boulevard and Adams Avenue. With growth, the site has become congested and the facility outdated. With a long term commitment to maintain business viability, the dealership recently signed a 30 year lease with Orange Coast College for use of an adjacent 4 acre site to be used for employee parking and vehicle storage. The dealership with this application, proposes to demolish the sales and administration building retaining the existing parts storage and service bays and construct a new 15,740 square foot two story sales and administration building. The site will retain its existing access points and vehicle display along Harbor Boulevard. Customer parking will be expanded and placed in front of a new building entry element. A large two storey high showroom will feature a reception area and vehicle display, information and customer consultation areas. A new customer waiting area will have areas for large screen entertainment, reading, child play and laptop work areas with internet connections. A new service reception area with individual advisor offices is included. The showroom exterior will be sheathed in three colors of aluminum composite material and the balance of the new structure will have a off-white EIFS finish. This is a significant upgrade from the existing stucco showroom and metal siding service building exteriors.

The proposed use is substantially compatible with the current surrounding uses including automobile sales and service as well as other commercial uses along Harbor Boulevard. Directed controlled outdoor lighting and increased landscaping with mitigate the dealerships operations with adjacent residential uses across Adams Avenue. Impacts to the adjacent college property are not considered significant.

The project requires an administrative adjustment to the current landscape setbacks along Adams Avenue and Harbor Boulevard. Limited site area and the requirements of vehicle circulation make full compliance with the required landscape setback a hardship for this property. The project does however propose to increase interior landscaping in the vehicle display area. We believe the total landscaping is an improvement over the existing condition which mitigates the non-compliance with the street front landscape setback. The proposed landscaping of the interior is significantly above the required landscaping per required parking space. Other properties of similar use have been granted landscape setback variances so an approved variance when considering the increased overall landscaping will neither be detrimental to public welfare nor a grant of special privilege to the applicant.

Sincerely,

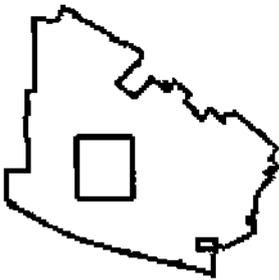
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Steve Kay, AIA

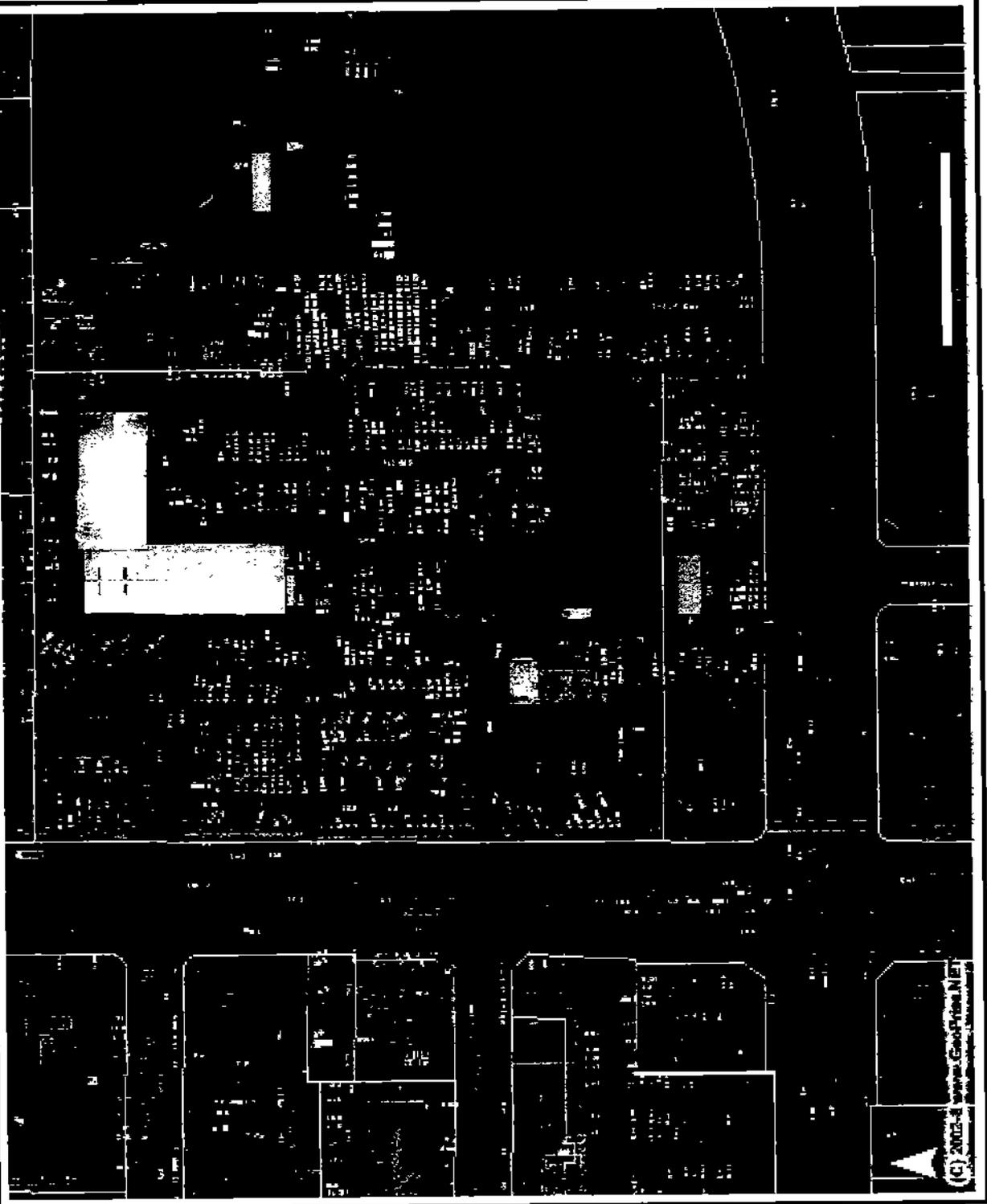
# City of Costa Mesa

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## Overview Map



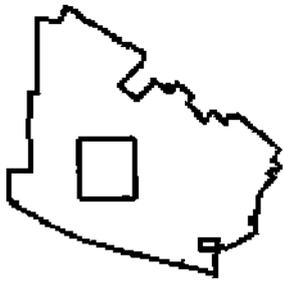
## Map Display



## Legend

- Address Medium
- Address Points
- Waterway Lines
- Hydrology Channels
- Street Names
- Parcel Lines
- City Boundary
- Water Ways
- Dwelling General
- Level 2 Ortho Photo

**Overview Map**



**Legend**

- Address Medium
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- Waterway Lines
- Hydrology Channels
- Street Names
- Parcel Lines
- City Boundary
- Water Ways
- Zoning
  - AP
  - G1
  - C1-S
  - C2
  - CL (cont'd)

**Map Display**

