



# **PLANNING COMMISSION AGENDA REPORT**

VI.5

MEETING DATE: MAY 27, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-08-10  
947 WEST 18<sup>TH</sup> STREET**

**DATE: MAY 15, 2008**

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

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## **PROJECT DESCRIPTION**

The applicant is seeking approval of several items:

- A variance that will allow the legalization of a storage building that does not comply with building distance requirements from the rear and side property lines;
- A building modification that will allow the legalization of bathrooms that were constructed without building permits;
- A conditional use permit for a retail automotive sales business with five outdoor display spaces;
- A minor conditional use permit allowing a reduction in the number of parking spaces required for the two onsite businesses (automotive repair and automotive retail sales).

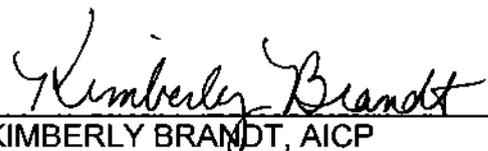
## **APPLICANT**

Ronald Talmo is the authorized agent for Maurice Lavoie.

## **RECOMMENDATION**

Deny by adoption of Planning Commission resolution.

  
\_\_\_\_\_  
WENDY SHIH  
Associate Planner

  
\_\_\_\_\_  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## PLANNING APPLICATION SUMMARY

Location: 947 W. 18<sup>th</sup> St. Application: PA-08-10

Request: A variance from building setback requirements to legalize a storage building, a conditional use permit for automotive retail sales with outdoor display/storage of 5 vehicles, and a minor conditional use permit for reduced parking requirements to accommodate the storage building, bathrooms, and outdoor vehicle display/storage.

### SUBJECT PROPERTY:

### SURROUNDING PROPERTY:

Zone: <u>MG (General Industrial)</u>	North: <u>R3 – Multiple Family Residential</u>
General Plan: <u>Light Industry</u>	South: <u>MG – Industrial</u>
Lot Dimensions: <u>66 ft. x 300 ft.</u>	East: <u>MG – Nonconforming Apartments</u>
Lot Area: <u>19,800 sq.ft.</u>	West: <u>MG – Industrial</u>
Existing Development: <u>6,400 sq.ft. industrial building with a 146 sq.ft. bathroom and 1,870 sq.ft. storage building at the rear of the property. The bathroom and storage buildings were constructed without permits.</u>	

### DEVELOPMENT STANDARD COMPARISON

Development Standard	Code Requirement	Proposed/Provided
<b>Lot Size:</b>		
Lot Width	120 ft.	66 ft. <sup>1</sup>
Lot Area	10,000 sq.ft.	19,800 sq.ft.
<b>Floor Area Ratio:</b>		
(High Traffic FAR)	0.15 (2,970 sq.ft.)	0.32 (6,400 sq.ft.) existing <sup>1</sup> 0.43 (8,416 sq.ft.) proposed <sup>2</sup>
<b>Building Height:</b>		
	2 stories/30 ft.	1 story/19 ft.
<b>Setbacks:</b>		
Front	10 ft.	59 ft.
Side (left/right abuts residential at SWC)	0 ft./37 ft.	16 ft./2 ft. <sup>3</sup>
Rear (abuts residential at SWC)	37 ft.	0 ft. <sup>3</sup>
<b>Parking:</b>		
Standard	24	10
Handicapped	1	0
<b>TOTAL:</b>	<b>25 spaces</b>	<b>10 spaces<sup>4</sup></b>

CEQA Status Exempt Class 3  
 Final Action Planning Commission

- 1 Existing, nonconforming.
- 2 This includes the 1,870 sq.ft. storage building, which increases FAR nonconformity and is not consistent with the General Plan (see further discussion in staff report).
- 3 Variance requested.
- 4 Minor conditional use permit requested.

## **BACKGROUND**

The property is located in the Westside, within the Mesa West Bluffs Urban Plan area. The lot abuts a residentially-zoned mobile home park (Green Leaf Park) to the southwest. It contains a 6,400 square-foot industrial building that is occupied by an auto repair business approved under ZE-80-19. An automotive retail sales business with indoor display of vehicles only also occupies the building. Auto detailing had been approved under ZE-84-72 but has since been discontinued (a revocation of this permit will be processed at a later date). However, approval for the auto detailing included a condition requiring removal or legalization of the “freestanding overhang structure”; the structure was never removed or legalized.

It was brought to staff’s attention via a Code Enforcement complaint that the “freestanding overhang structure” had been enclosed and converted to a storage building and that bathrooms were constructed behind the industrial building without building permits. Additionally, the automotive retail sales business, Divine Automarket, has been displaying “for-sale” vehicles outdoors, contrary to the current zoning approval.

## **ANALYSIS**

Several requests are necessary to retain the existing development and uses. These requests and staff’s analysis are as follows:

### **Legalization of illegal structures including a variance from building setbacks for the storage building**

Floor area ratio issues:

The major concern with the applicant’s request to retain the storage building and bathrooms is that the illegal construction causes the site to exceed the maximum allowable floor area ratio (FAR). Automotive repair businesses are considered high traffic generators, and therefore are limited to sites with a building FAR of 0.15 or less. Because this business was established prior to the City’s adoption of FAR standards, it may continue at this site even though the legal building area exists at a 0.32 FAR. Legalization of the storage building and bathroom, as the site currently exists, would result in a 0.43 FAR.

The applicant proposes removing the back wall of the storage building so that the resulting structure would be considered, in his opinion, a carport and, therefore, not be included in the FAR calculations. He also proposes to demolish approximately 197 square feet in the middle of the original building to allow retention of the 146 square-foot bathroom.

Staff notes that FAR standards are intended to regulate traffic generated from a property and the amount of building mass on the site. Staff believes that the removal of the rear wall of the storage building and the building area from the main structure have no material effect on either buildings’ mass and scale.

#### Variance request:

The storage building at the back of the property is required to be setback 37 feet from the side and rear property lines (or 2 times the building height) since the lot abuts a mobile home park to the southwest; the storage building exists at a 0-foot rear and 2-foot right side setbacks from the southwest corner. Consequently, a variance is required to allow the building to remain at the reduced setbacks.

It is staff's opinion that special circumstances applicable to the property do not exist to justify approval of the setback variance, especially because the structure interferes with required parking and causes the site to exceed the maximum allowable floor area ratio. Furthermore, at 18 feet high, the structure is readily visible to the adjoining residents and has even greater impact because its proximity to the common property line.

#### **Conditional use permit for automotive retail sales with outdoor display/storage of 5 vehicles**

In July 2006, a business license for an automotive retail sales business with no outdoor display of vehicles was approved. The applicant now proposes to expand the use to include outdoor display and storage of up to 5 vehicles. When the automotive repair business was approved, 19 parking spaces were provided as required. Staff believes that, without the illegal construction, there is adequate room for 24 parking stalls on-site. At this time, only 10 parking spaces are fully accessible. Staff has observed cars parked in the driveway area on the west side of the building, blocking access to the work bays and the back of the property. Staff believes that the conditional use permit could only be justified if the illegal construction was removed and conforming parking was striped at the rear of the property. However, staff believes the main issue is that the use is not appropriate for this property. Auto brokers with indoor display of "for sale" vehicles or one outdoor display space are a permitted use in the industrial zone. Businesses with outdoor display function as auto dealerships, which are more appropriate on properties along Harbor Boulevard or other similar commercial zoning districts.

#### **Minor conditional use permit for reduced parking requirement**

The applicant requests a minor conditional use permit for a reduction in parking to accommodate the storage building, bathrooms, and the 5 outdoor display spaces. As noted above, the reduced parking is already inadequate, as witnessed by the parking of vehicles in the required driveway. Therefore, staff does not support the request.

#### **GENERAL PLAN CONSISTENCY**

In staff's opinion, the applicant's requests are not consistent with the following General Plan objectives:

LU-1A.3 – The proposal intensifies existing high-intensity development or high traffic generating uses on a property abutting sensitive residential land uses.

LU-1E – Legalization of the existing structures increases the overall bulk and scale of the buildings on the property.

LU-1F.1 – The proposal does not protect existing adjacent residential uses from the encroachment of incompatible or potentially disruptive land uses and/or activities.

## **ALTERNATIVES**

If the application is denied, the storage building and bathroom would have to be demolished; no outdoor display or storage of motor vehicles would be allowed, and substantially the same request cannot be resubmitted for 6 months.

Planning Commission can approve the entire request, or only the outdoor display/storage, or one or both of the illegal buildings. However, if Planning Commission's approval includes one or both of the illegal structures, a finding would be required that the applicant's proposed modifications (removal of the wall/walls) are such that they do not cause the site to exceed the existing .32 FAR.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15303 for New Construction.

## **CONCLUSION**

Staff has considered the cumulative effects of all the requests and is of the opinion that the proposal is too intense for the site. The property is already nonconforming with respect to floor area ratio. It is staff's opinion that approval of the Code deviations results in a property that will continue to negatively impact on- and off-site uses.

Staff recommends Commission provide a 30-day time limit for removal of the structure(s) and uses in the attached resolution.

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.  
                          Senior Deputy City Attorney  
                          City Engineer  
                          Fire Protection Analyst  
                          Staff (4)  
                          File (2)

Ronald Talmo  
2415 North Hesperian  
Santa Ana, CA 92706

Maurice Lavoie  
947 W. 18<sup>th</sup> St.  
Costa Mesa, CA 92627

File: 052708PA0810	Date: 051508	Time: 8:30 a.m.
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**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING PLANNING APPLICATION  
PA-08-10**

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

WHEREAS, an application was filed by Ronald Talmo for Maurice Lavoie, with respect to the real property located at 947 W. 18<sup>th</sup> Street, requesting approval of a variance from building setback requirements to legalize a storage building, a conditional use permit for a motor vehicle retail sales business with outdoor display/storage of motor vehicles, and a minor conditional use permit for reduced parking requirements to accommodate the storage building, a bathroom addition, and outdoor vehicle display/storage, in an MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Planning Application PA-08-10 with respect to the property described above and hereby gives the applicant 30 days to remove all illegal structures and uses from the property.

**PASSED AND ADOPTED this 27<sup>th</sup> day of May, 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 May 27, 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 (for denial)**

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is not compatible and harmonious with uses on- or off-site.
  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 not consistent with General Plan objectives LU-1A.3, LU-1E, and LU-1F.1 in that the proposal intensifies existing high-intensity development or high traffic generating uses on a property abutting sensitive residential land uses, the additions to the legal nonconforming development affect the bulk of the development, and the proposal does not protect existing residential uses from the encroachment of incompatible or potentially disruptive land uses and/or activities.
  4. The cumulative effects of all planning applications have been considered.
  5. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property do not exist to justify approval of the variances from rear and side setback requirements. The storage building interferes with required parking, increases the bulk of the development, and is readily visible to adjoining residents, generating adverse off-site impacts. It increases the development intensity and nonconformity on the property and is not consistent with the intent of the floor area ratio limitation of the General Plan. Approval of the deviations would constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. Granting of the deviations will allow a use or intensity which is not in accordance with the General Plan designation for the property.
- C. The information presented does not comply with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permits will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, outdoor display or storage of "for sale" vehicles would reduce required parking; approval of a reduction in parking requirements to accommodate the storage structure, bathrooms, and outdoor display/storage of motor vehicles would increase development intensity and nonconformity which is inconsistent with the Zoning Code and General Plan.
- 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 15301.

- E. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
OF COSTA MESA APPROVING PLANNING APPLICATION PA-08-  
10**

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

WHEREAS, an application was filed by Ronald Talmo for Maurice Lavoie, with respect to the real property located at 947 W. 18<sup>th</sup> Street, requesting approval of a variance from building setback requirements to legalize a storage building, a conditional use permit for a motor vehicle retail sales business with five outdoor display/storage spaces, and a minor conditional use permit for reduced parking requirements to accommodate the storage building, a bathroom addition, and outdoor vehicle display/storage, in an MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 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-08-10 with respect to the property described above.

BE IT FURTHER RESOLVED that this application modifies ZE-80-19 by reducing the area devoted to auto repair to the rear portion of the building.

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-08-10 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 27<sup>th</sup> day of May, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (for approval)**

- 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 it permits a variety of industrial uses within the Light Industry land use designation and is, therefore, consistent with the General Plan.
  4. The cumulative effects of all planning applications have been considered.
  5. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (g)(1) because special circumstances applicable to the property exist to justify approval of the variance from rear and side setback requirements due to the nonconforming lot width. The deviation granted does not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated. 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 because of the reduction in building area the applicant will make to accommodate legalizing the storage building and bathrooms.
- C. 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 permits will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity.
- 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 15303 for New Construction.
- 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 (if application is approved)**

- PIng.
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. Outdoor display spaces for "for sale" motor vehicles shall be limited to five and shall be located at the rear of the property in a manner that does not interfere with on-site circulation. This condition shall be completed under the direction of the Planning staff.
  3. Automotive retail sales is limited to the front portion of the building and automotive repair to the rear of the building.
  4. Obtain building permits to legalize the storage building and bathroom within 30 days of application approval.
  5. A copy of the conditions of approval for the conditional use permits must be kept on premises and presented to any authorized City official upon request.
  6. The conditions of approval and ordinance or code provisions of planning application PA-08-10 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  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.
  8. 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.
  9. 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.
  10. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the applicant for reference.

**RONALD TALMO**  
ATTORNEY AT LAW  
2415 NORTH HESPERIAN  
SANTA ANA, CALIFORNIA 92706

AREA CODE (714)  
TELEPHONE & FACSIMILE  
543-1294

March 27, 2008

RECEIVED  
CITY OF COSTA MESA  
DEVELOPMENT SERVICES DEPARTMENT

Willa Bouwens-Killeen, ATCP  
City Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628

MAR 27 2008

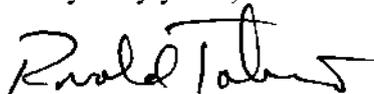
*Hand delivered*

Re: Variances Application for 947 W. 18<sup>th</sup> Street, Costa Mesa, A.P.N. 424-36-1-10, Lot # 1005  
Request to Amend Application #PA-08-10 to allow outdoor storage/display of vehicles

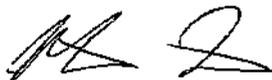
Dear Ms. Bouwens-Killeen:

By this letter, the variance applicant, Maurice Lavoie, requests permission to amend his variance application to allow outdoor storage and display of a total of five (5) vehicles on his property. This display and storage is necessary to accommodate the full beneficial used of the property and allowing him to economically compete with other similarly situated businesses in his locale in Costa Mesa.

Very truly yours,



Ronald Talmo



Maurice Lavoie

**RONALD TALMO**  
ATTORNEY AT LAW  
2415 NORTH HESPERIAN  
SANTA ANA, CALIFORNIA 92706

AREA CODE (714)  
TELEPHONE & FACSIMILE  
543-1294

March 11, 2008

Willa Bouwens-Killeen, ATCP  
City Planner  
City of Costa Mesa  
77 Fair Drive  
Costa Mesa, CA 92628

Re: Variance Application for 947 W. 18<sup>th</sup> Street, Costa Mesa, A.P.N. 424-36-1-10, Lot # 1005

Dear Ms. Bouwens-Killeen:

I write on behalf of my client, Maurice Lavoie to apply for a variance from the Zoning Code under the Light Industry General Plan for two structures on his commercial property. Mr. Lavoie operates an auto repair shop on his property, at the back end of the main building. He rents the front portion of the building to a Porsche car sales dealer. He parks customers' cars under the canopy at the back of the lot, which canopy pre-existed his lot ownership.

The lot is located in an area zoned light industrial under the General Plan. The lot size is 300 x 66 sq. ft. The main building is 160 x 40 sq. ft. The topography of the lot is flat with a slight grading towards the street. The Costa Mesa city tow yard is located to the immediate west of Mr. Lavoie's property. A lot used for boat storage and repair is located directly south of Mr. Lavoie's property. 18<sup>th</sup> Street is directly north of Mr. Lavoie's property, with a school on the other side of 18<sup>th</sup> Street. A business is located to the immediate east of Mr. Lavoie's property.

The open air canopy was constructed in 1972 by a prior owner of the property, and was used as a carport to park vehicles. The floor plan of the canopy is 46'-9" wide by 40'-0" long. The owner of the property in 1972 did not apply for the permits to build the carport canopy. After Mr. Lavoie gained ownership of the property in 1987, the canopy continued to be used for parking cars. Recently, my client enclosed the open air canopy to provide increased shelter from the weather for cars parked under the canopy. Any foot or vehicle traffic is minimal going back beyond the main building to the canopy because only customer vehicles are parked there.

Previous correspondence from the Planning Department, in particular your letter dated November 14, 2007 explained the city's position that the two structures upon the property, an enclosed canopy and constructed bathroom, are illegal due to exceeding the city's Floor Area

Ratios as part of both the General Plan and Zoning Code, thus no buildable space is available because the main building maximizes the limit. The following specific requests are made to satisfy the Zoning Code and General Plan of Costa Mesa:

- Variances for the existence of a partially walled canopy; and
- Variances for the bathroom located at the southeast corner of the main building.

The request for a variance for the existence of a partially walled canopy to be used to store customer vehicles is for the structure at the rear of the property. The request is supported by my client's proposal to remove the rear metal wall of the enclosed canopy. The canopy never had walls until my client recently enclosed it with metal siding. The Floor Area Ratios requirements did not apply to the open air canopy previously because it was not an enclosed structure. An enclosed structure is a structure that has walls on all sides. Removing the rear metal wall excludes the canopy from being classified as an enclosed structure, and thus excluding the canopy from being regulated by the Floor Area Ratios. The canopy was an open air structure before the four walls were erected, and removing the rear metal wall restores the open air classification. Thus, the Floor Area Ratios no longer would apply, and no longer a hindrance to the variance being granted.

A variance is also requested from the setback requirements for the canopy. A 2'-0" setback is needed from the rear property line to the carport canopy, and 2'-8" setback from the west property line to the carport canopy. The variance is necessary because the Zoning Code requires a twice the building height setback from residentially zoned property and my client's property abuts a residentially-zoned mobile home park at the southwest corner. A variance may also be needed for the height, color, or construction materials used for the building, and if so that is hereby requested.

Costa Mesa previously granted a variance for the tow yard located due west of my client's property after a settlement agreement was reached with the tow yard owner that cypress trees would be planted along the property line outside the fence to mask the tow yard from the sight of the mobile home park residents. My client is willing to provide comparable vegetation along the entire rear property line to mask his canopy and business from the view of the mobile home park residents. At least a 2'-0" strip exists between my client's cinderblock wall and the rear property line beyond it.

A variance is requested for the bathroom located at the rear south east corner of the main building. The bathroom is 9'-0" wide by 16'-3" long. To mitigate the bathroom area exceeding the Floor Area Ratios, my client proposes to construct a three walled alcove in the west side of the main building, thereby creating a useable parking space equal to or greater than the floor area of the bathroom (see enclosed maps). The exterior walls of the main building are metal siding over steel beams, and my architect has drawn plans to insure the structural stability of the alcove. No modifications to the steel beams are necessary. The construction of the bathroom eliminated a vehicle parking space, and the construction of the alcove in the west side of the main building replaces it.

Although the bathroom sits on the opposite side of my client's property from the mobile home park, a variance to allow a 0'-0" setback from the setback requirements at the east property line may also be required. The bathroom sits against the east property line. If a variance is also required for the height, color, or construction materials used for the bathroom, then that is hereby requested.

The requested variances are reasonable and warranted for the following additional reasons:

1. Costa Mesa Municipal Code Section ("Code") 13-29(g)(1) 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 properties in the vicinity under an identical zoning classification. Other factors (such as existing site improvements) may also be considered. Although there are no special circumstances applicable to the property, which is rectangular and flat, approval of the variances is justified because the canopy and bathroom do not adversely impact the surrounding properties in the 30-plus years after it was built. The canopy building height does not create a negative visual impact from on or off site given the visual impact of the tow yard next door and the boat repair and storage yard directly behind my client's property. Nor is the canopy incompatible with surrounding commercial properties because it is made of similar materials, design, and location. Additionally, the use of the three sided canopy to protect customer cars from the weather fits in with the Light Industry General Plan designation;
2. The structures comply with Code section 13-29(g)(6) with regard to minor modification because granting the modifications to the canopy and the main building will not be materially detrimental to the health, safety, and general welfare of persons residing or working within the immediate vicinity of the structures or to property and improvements within the neighborhood.
3. Given the nature and use of most of the surrounding properties: a car lot, a boat storage and repair lot, and a business, the impact of a carport canopy built at the rear end of my client's property will not impair the use and enjoyment of those businesses. The mobile home park sits off the southwest corner of Mr. Lavoie's property, and the canopy can only be directly seen by a few mobile homeowners;
4. The visual impact of the canopy is arguably no greater than the city tow yard or a boat storage and repair yard, which both can easily be seen by more of the mobile homeowners than one 40 x 46.9 ft. carport;
5. The carport canopy has been in place for over thirty (30) years. One may reasonably argue that those mobile home users who can actually see the carport canopy have become accustomed to it being there. Indeed, a lack of complaints over the past thirty years substantiates the overall negligible adverse impact upon the mobile home park; and

6. The canopy is structurally sound;
7. The canopy sits at least 200 feet from the school across the street, and is only seen from the front of the driveway on the west end of my client's property.

There are multiple reasons why a partially walled canopy and the bathroom should be approved for variances. The canopy and the bathroom are an enhancement to the value and productivity of the property, and as proposed satisfy the Floor Area Ratio requirements of the General Plan and the Zoning Code. On behalf of my client, I request that the planning commission approve the requested variances.

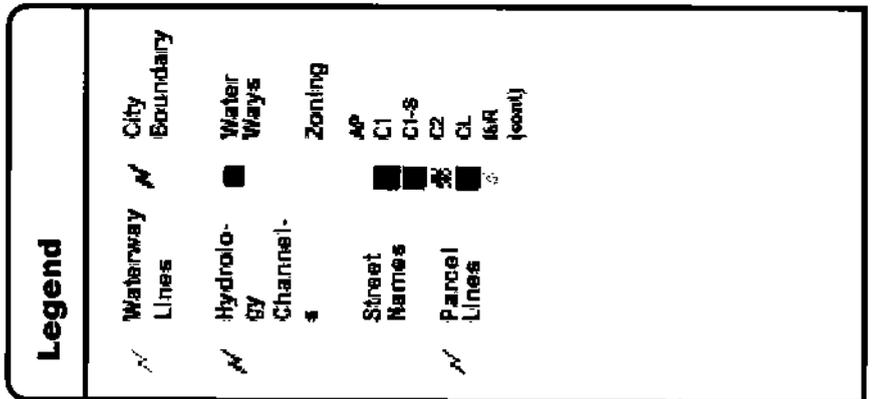
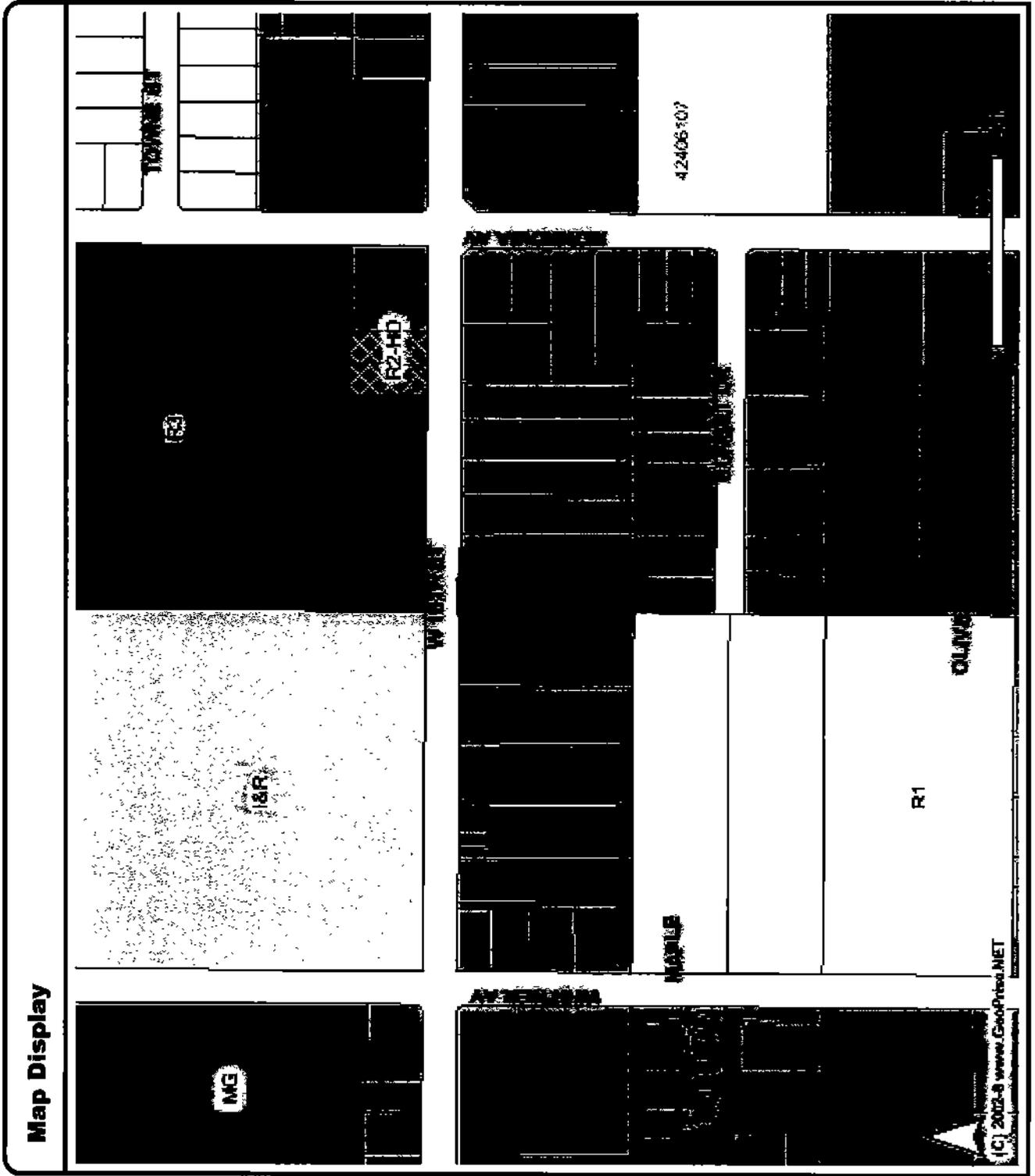
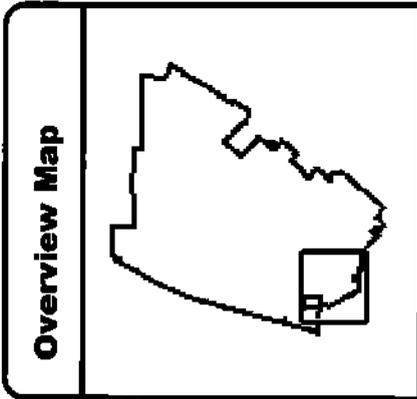
Please contact me with any questions or to discuss this application.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Talmo". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Ron Talmo

cc: Maurice Lavoie



**Overview Map**



**Map Display**



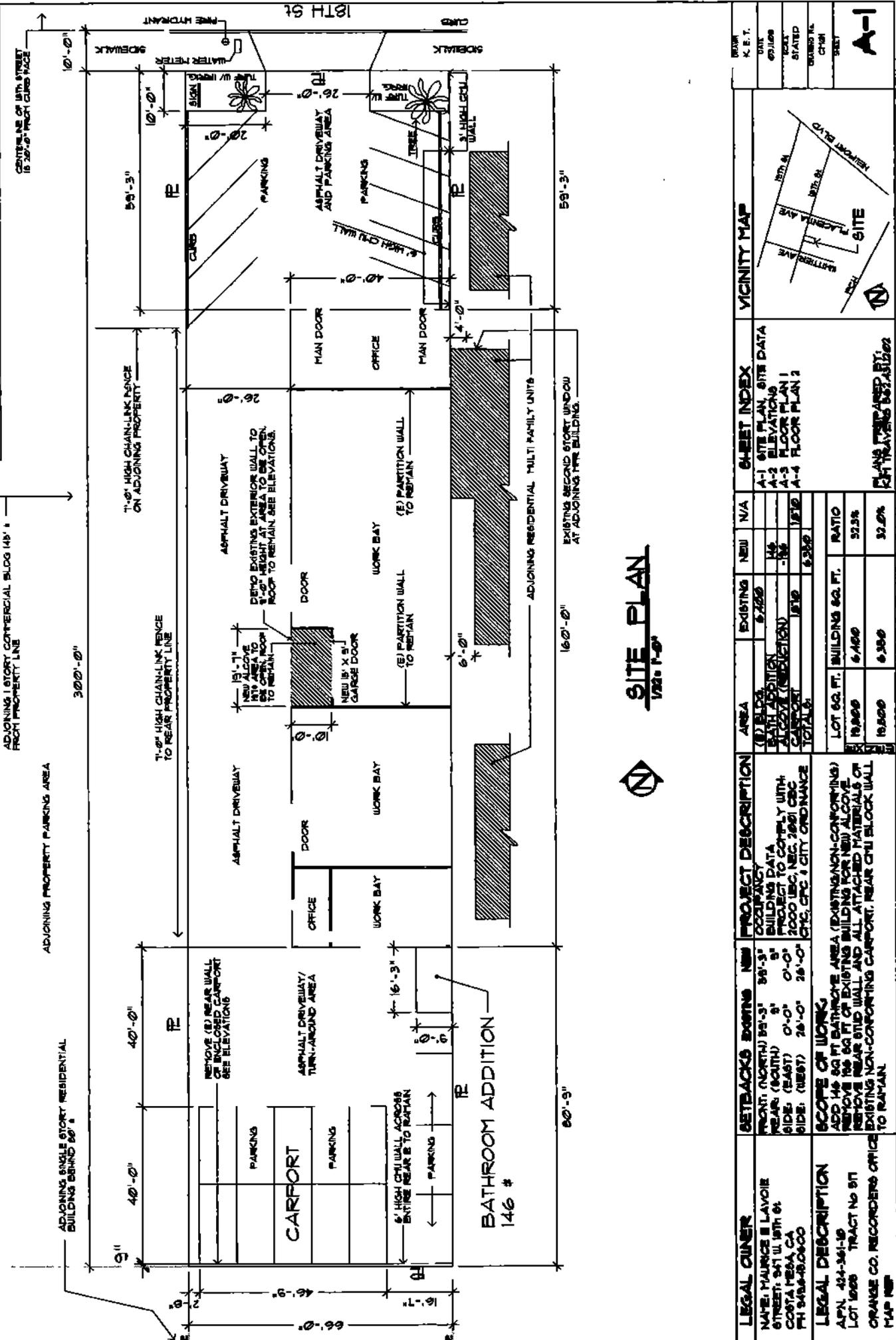
**Legend**

- Address Large
- Address Points
- Freeway
- Roads
- Collector Freeway
- Major
- Newport BLVD
- Point
- Primary SECONDARY Waterway Lines
- Hydrology Channels
- Street Names



**SITE PLAN  
PROJECT DATA  
VICINITY MAP**

**OWNER:  
MAURICE LAVOIE  
947 W 18TH ST  
COSTA MESA, CA**



**SITE PLAN  
146 # BATHROOM**



LEGAL OWNER	SETBACKS EXISTING	NEW	PROJECT DESCRIPTION	AREA	EXISTING	NEW	N/A	SHEET INDEX	VICINITY MAP
NAME: MAURICE E LAVOIE STREET: 947 W 18TH ST COSTA MESA, CA PH 949-89-0400	FRONT (NORTH) 50'-3" REAR (SOUTH) 8' SIDE (EAST) 0'-0" SIDE (WEST) 28'-0"	50'-3" 8' 0'-0" 28'-0"	OCCUPANCY BUILDING DATA PROJECT TO COMPLY WITH: 2000 IBC, IBC, SEC. 706.1 CBC CBC, CPC, CITY ORDINANCE	(87) BLDG. BATH ADDITION ALCOHOL (RESTRICTION) GARAGE TOTALS	6,400 1,100 1,800 9,300	146 100 1,800 9,300		A-1 SITE PLAN, SITE DATA A-2 ELEVATIONS A-3 FLOOR PLAN 1 A-4 FLOOR PLAN 2	
LEGAL DESCRIPTION APN 404-361-0 TRACT NO 971 ORANGE CO. RECORDING OFFICE MAP REF	SCOPE OF WORK ADD 146 SQ FT BATHROOM (EXISTING NON-COMPLYING) REMOVE 100 SQ FT OF EXISTING BUILDING FOR NEW ALCOVE REMOVE REAR STUO WALL AND ALL ATTACHED MATERIALS OF EXISTING NON-COMPLYING GARPORT, REAR CURB BLOCK WALL TO REMAIN		LOT SQ. FT. BUILDING SQ. FT. 19,800 6,400 19,800 6,300	RATIO 32.3% 32.0%		PLANS PREPARED BY: K. E. T.			





ENGINEERING  
 PL. 1637 A/D/P/2

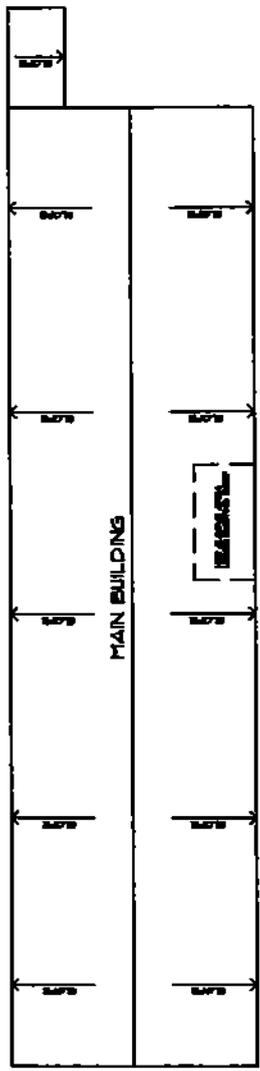
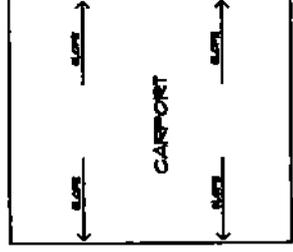
OWNER:  
 MAURICE LAVOIE  
 941 W 18TH ST  
 COSTA MESA, CA

FLOOR PLAN  
 MAIN BUILDING  
 BATHROOM ADDITION  
 ROOF PLAN

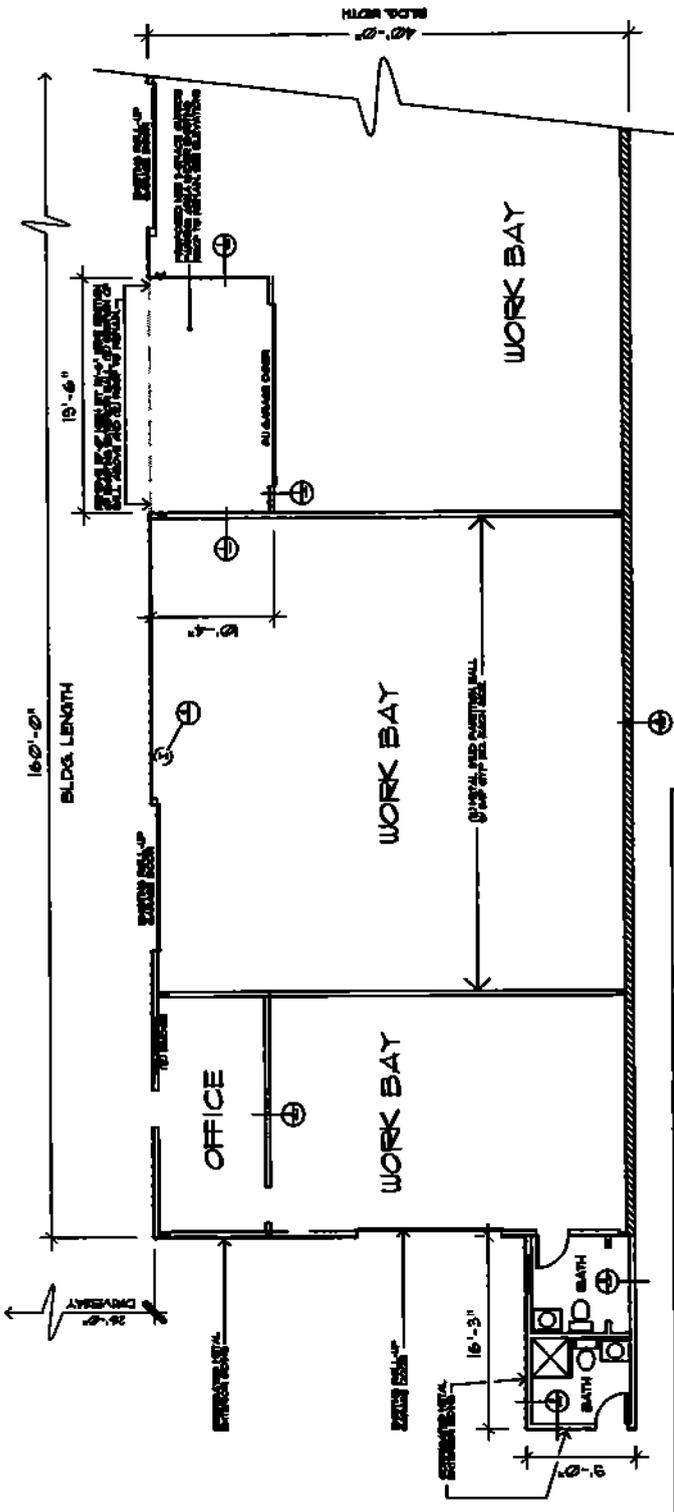
DATE  
 1/23/2008  
 DRAWN BY  
 STATED  
 CHECKED BY  
 C/BI

A = 3

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FACE PLAN



FLOOR PLAN  
 PLAN NO. 1/23-1-1-3

- REFERENCE LEGEND
- 1. METAL AND W/ CORRUGATED EXTERIOR METAL ROOFING 1/2" MIN. THICK INTERIOR FINISH
  - 2. EXISTING 2x4 LUDCO GRID WALL W/ 2" MIN. THICK INTERIOR FINISH
  - 3. EXISTING EXTERIOR CONCRETE WALL 12" MIN. THICK
  - 4. EXISTING 12" DIA. COLUMN SUPPORTING STEEL ROOF ON-CORNER RAFTERS, TYPICAL

1/23/08

