



# **PLANNING COMMISSION AGENDA REPORT**

VI. 2

MEETING DATE: AUGUST 11, 2008

ITEM NUMBER:

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

**DATE: JULY 31, 2008**

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

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## **PROJECT DESCRIPTION**

The applicant requests a modification to a condition of approval to allow retention of the roof for legalization of the parking structure.

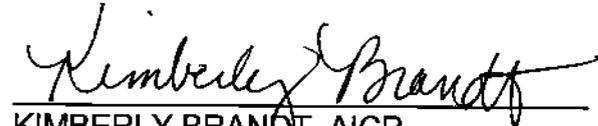
## **APPLICANT**

Maurice Lavoie is the property owner and applicant.

## **RECOMMENDATION**

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

  
WENDY SHIH  
Associate Planner

  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## **BACKGROUND**

The property is located in Westside Costa Mesa, within the Mesa West Bluffs Urban Plan area. The lot abuts a residentially-zoned mobile home park to the southwest. An auto repair business and an auto retail sales business occupy the property.

On May 27, 2007, Planning Commission approved part of Planning Application PA-08-10:

### **Approved**

1. Variance from building setback requirements for legalization of a parking structure at the rear of the property. This structure contains 10 parking spaces which are counted towards satisfying parking requirements (20 spaces required; 20 provided).
2. Legalization of bathroom addition (floor area offset with new 197 square-foot alcove in main building).

### **Denied**

1. Conditional use permit for five outdoor display/storage spaces for a motor vehicle retail sales business.
2. Minor conditional use permit for reduced parking requirements.

The following condition was included requiring legalization of the parking structure without the existing roof:

1. Obtain building permits to remove roof and legalize the vehicle storage structure and legalize bathroom facility within 30 days of application approval.

The applicant requests an amendment to that condition to retain the roof structure.

## **ANALYSIS**

Commission approved the variance from rear and side setback requirements for the parking structure because it only abuts at one point the corner of the residentially-zoned property. A condition for removal of the roof structure was included so that the building does not increase the development's nonconformity with regards to floor area ratio (FAR).

The allowable building intensity standard for the existing uses is FAR of 0.15 (2,970 square feet); 0.32 (6,400 square feet) was approved prior to establishment of the FAR standards. Staff believes that retention of the roof does not increase building mass as viewed from the street or from adjoining properties, and since the building is a parking structure to be used for parking only, approval of the amendment would not intensify previously approved uses on the property or increase the development's nonconformity.

**ADDITIONAL BACKGROUND INFORMATION**

The previous Planning Commission staff report can be viewed on the City's Web page:

<http://www.ci.costa-mesa.ca.us/council/planning/2008-05-27/052708PA0810.pdf>

The Planning Commission meeting minutes from May 27, 2008 can be viewed on the City's Web page:

[http://www.ci.costa-mesa.ca.us/council/planning/pm\\_080527.pdf](http://www.ci.costa-mesa.ca.us/council/planning/pm_080527.pdf)

**GENERAL PLAN CONSISTENCY**

Since retention of the roof structure does not intensify the approved uses on the property, the amendment is consistent with the General Plan.

**ALTERNATIVES**

If the request for amendment is approved, the parking structure roof may remain in place.

If the request is denied, the original condition for removal of the roof structure would remain.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

**CONCLUSION**

Since retention of the roof structure does not increase building mass or intensify existing uses on the property, it would not negatively impact surrounding properties. However, staff recommends a condition stating that the structure shall be used for parking purposes only to ensure adequate parking on-site.

- Attachments: 1. Draft Planning Commission Resolutions  
2. Applicant's Project Description Letter  
3. Planning Commission Resolution PC-08-46  
4. Location Map  
5. 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: 081108PA0810Amendment	Date: 073108	Time: 3:30 p.m.
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# ATTACHMENT 1

## RESOLUTION NO. PC-08-

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING AN AMENDMENT TO PLANNING APPLICATION PA-08-10

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

WHEREAS, an application was filed by Maurice Lavoie with respect to the real property located at 947 W. 18<sup>th</sup> Street, requesting approval of an amendment to condition of approval number one to allow retention of the roof structure in conjunction with the legalization of the parking structure, in an MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 11, 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** the modification of condition number one and an additional condition number eight for Planning Application PA-08-10 to read as follows:

1. Obtain building permits to legalize the vehicle parking structure and bathroom facility within 30 days of application approval.
8. The detached structure at the rear of the property shall be used for parking only.

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 Planning Application PA-08-10 and upon applicant's compliance with each and all of the modified conditions and conditions contained in Exhibit "B" of Planning Commission Resolution PC-08-46, 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 11<sup>th</sup> day of August, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission



**EXHIBIT "A"**

**FINDINGS (for approval)**

- A. The proposed amendment 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 amendment is consistent with the General Plan since retention of the roof structure does not intensify the approved uses on the property.
  - 4. The planning application is for a project-specific case and does not establish a precedent for future development.
  
- B. The proposed amendment complies with Costa Mesa Municipal Code section 13-29(g)(1) in that retention of the roof structure does not increase the mass of the parking structure which only abuts at one point the corner of the residentially-zoned property nor allow a use, density, or intensity which is not in accordance with the General Plan designation for the property.
  
- 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 for Existing Facilities.
  
- D. 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 DENYING AN AMENDMENT TO  
PLANNING APPLICATION PA-08-10**

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

WHEREAS, an application was filed by Maurice Lavoie with respect to the real property located at 947 W. 18<sup>th</sup> Street, requesting approval of an amendment to condition of approval number one to allow retention of the roof structure in conjunction with the legalization of the parking structure, in an MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 11, 2008;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** an amendment to Planning Application PA-08-10 with respect to the property described above.

**PASSED AND ADOPTED this 11<sup>th</sup> day of August, 2008.**

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Donn Hall, Chair  
Costa Mesa Planning Commission

**EXHIBIT "A"**

**FINDINGS (for denial)**

- A. The proposed amendment 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 planning application is for a project-specific case and does not establish a precedent for future development.
  
- B. The Costa Mesa Planning Commission has denied the amendment to PA-08-10. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.
  
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2

RECEIVED  
CITY OF COSTA MESA  
PLANNING SERVICES DEPARTMENT

DATE: July 2, 2008

JUL - 2 2008

Hand delivered

FROM: Maurice Lavoie, Owner  
Mercedes Repair by Maurice, Inc.  
947 N. 18<sup>th</sup> St.  
Costa Mesa, Calif. 92627  
(949) 645-0600  
(949) 645-9843 FAX

TO: WENDY SHIH, Associate Planner

RE: PA - 08 - 10

Per our meeting today, I am requesting the modification of the Amendment of Condition of Approval, to Retain the Roof Structure

Thank you  


MAURICE LAVOIE

Enc. CK. #12109  
\$1600.00

# ATTACHMENT 3

## RESOLUTION NO. PC-08-46

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PART OF 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

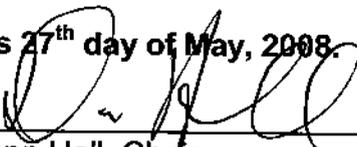
WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 27, 2008;

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 regards to legalization of storage building, with modifications, and bathroom, and **DENIES** conditional use permit for motor vehicle retail sales with outdoor display/storage and minor conditional use permit for reduced parking requirements.

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



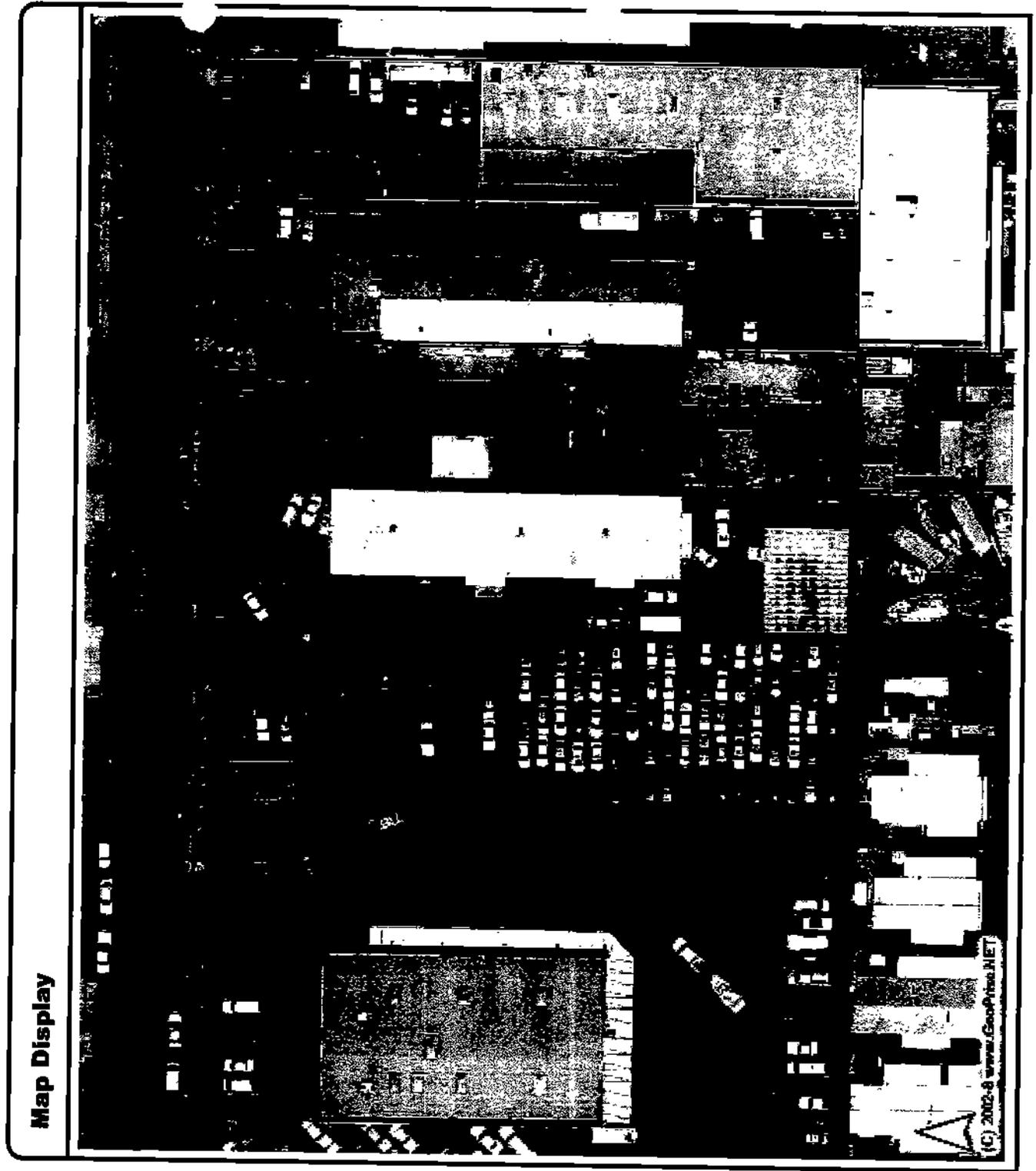
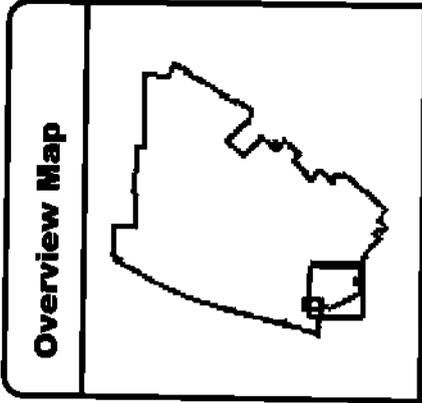
**EXHIBIT "A"****FINDINGS (for approval)**

- A. The proposed use, as modified, complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use, as modified, 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. The project will not increase the floor area ratio (FAR) because the storage building and the existing industrial building will be modified per the conditions of approval.
  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 because the property only abuts a geometric point (corner) of residentially-zoned property. 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 required reduction in the main building area to accommodate the floor area devoted to the bathroom facility and the removal of the roof of the storage building to create a vehicle storage structure.
- 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 15303 for New Construction.
- 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. Obtain building permits to remove roof and legalize the vehicle storage structure and legalize bathroom facility within 30 days of application approval.
  2. 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.
  3. 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.
  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.
  5. 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.
  6. 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.
  7. Outdoor display of motor vehicles for sale shall be discontinued.



### Legend

Address Large	15	Primary SECONDARY Waterway Lines	Hydrolo- gy Channel- s	Street Names
Address Points		Freeway	Roads	Collector
Freeway		Major	Newport (BLVD (cont)	

# ATTACHMENT 5

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

**SITE PLAN**  
**PROJECT DATA**  
**VICINITY MAP**

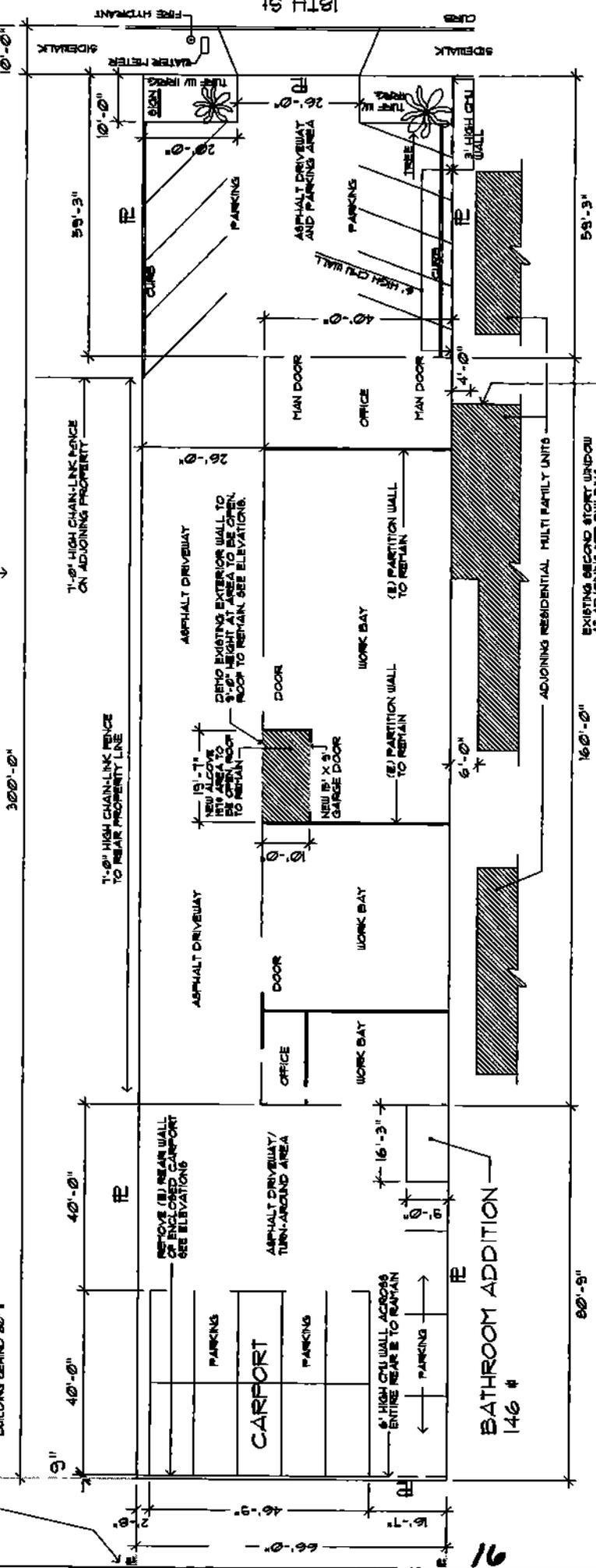
ADJOINING RESIDENTIAL MOBILE HOME PARK  
 NO TWO STORY STRUCTURES

ADJOINING 1 STORY COMMERCIAL BLDG 149 #  
 FROM PROPERTY LINE

CENTRAL LINE OF WILSON STREET  
 19' 10" 1/2 FROM CURB FACE

ADJOINING PROPERTY PARKING AREA

ADJOINING SINGLE STORY RESIDENTIAL  
 BUILDING BEHIND 149 #



## SITE PLAN



LEGAL OWNER	SETBACKS	EXISTING	NEW	AREA	EXISTING	NEW	N/A	SHEET INDEX	VICINITY MAP
NAME: MAURICE E LAVOIE STREET: 941 W. 18TH ST COSTA MESA, CA PH 949-48-0600	FRONT: (NORTH) 50'-3" REAR: (SOUTH) 9' SIDE: (EAST) 0'-0" SIDE: (WEST) 26'-0"	6,400	6,400	(8) BLDG BATH ADDITION APPROX (REDUCTION) GARAGE (REDUCTION) TOTALS	18,110	18,110	0,000	A-1 SITE PLAN, SITE DATA A-2 ELEVATIONS A-3 FLOOR PLAN 1 A-4 FLOOR PLAN 2	
LEGAL DESCRIPTION APN 424-361-16 LOT 1665 TRACT No 511 ORANGE CO. RECORDERS OFFICE MAP No 1	SCORE OF WORK ADD 146 SQ FT BATHROOM AREA (EXISTING NON-COMFORMING) REMOVE 146 SQ FT OF EXISTING BUILDING FOR NEW ALCOVE REMOVE REAR STUD WALL AND ALL ATTACHED MATERIALS OF EXISTING NON-COMFORMING CARPORT. REAR CURB BLOCK WALL TO REMAIN.			LOT SQ. FT. BUILDING SQ. FT. RATIO	6,400	6,400	32.5%	PLANS PREPARED BY: CHU INLAND DESIGN, LLC	
					6,400	6,400	32.0%		

DATE: 03/16/08  
 DRAWN BY: K. E. T.  
 CHECKED BY: [Signature]  
 SCALE: [Blank]  
 SHEET: A-1



ENGINEERING FIRM  
 1425 S. 10TH ST.  
 SACRAMENTO, CALIF. 95811

DATE: 11/28/88  
 DRAWING NO. C-101  
 SHEET NO. 1

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

FLOOR PLAN  
 CARPORT  
 BATHROOM ADDITION  
 MAIN BUILDING PART 1

DESIGNED BY  
 K. R. T.  
 DATE  
 11/28/88  
 SCALE  
 AS SHOWN  
 DRAWING NO.  
 C-101  
 SHEET  
 1

A=4

