



PLANNING COMMISSION

AGENDA REPORT

VI.5

MEETING DATE: APRIL 13, 2009

ITEM NUMBER:

**SUBJECT: REVIEW, MODIFICATION, AND/OR REVOCATION OF ZONE EXCEPTION PERMIT
ZE-83-86 AND PLANNING APPLICATION PA-85-216
1880 NEWPORT BOULEVARD**

DATE: APRIL 2, 2009

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

DESCRIPTION

Review, modification, and/or revocation of the following applications related to 1880 Newport Boulevard:

1. Zone Exception Permit ZE-83-86 for retail sales and service of motor scooters.
2. Planning Application PA-85-216 for a 680 square-foot storage building for motor scooters within the parking lot.

APPLICANT

The request for revocation was initiated by the City of Costa Mesa; American Commercial Equities Three, LLC is the owner of the property.

RECOMMENDATIONS

1. Revoke Zone Exception Permit ZE-83-86 by adoption of Planning Commission resolution due to discontinuance of use.
2. Revoke Planning Application PA-85-216 by adoption of Planning Commission resolution due to discontinuance of use.

MEL LEE, AICP
Senior Planner

KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND/ANALYSIS

The property is located on the northeast corner of Newport Boulevard and Flower Street within the City's Downtown Redevelopment Project Area. A conditional use permit (CUP) application for a watch and jewelry store with ancillary pawnbroker services is proposed for this location as Planning Application PA-09-05, which is a separate item on the Planning Commission agenda. In addition to the proposed CUP, the property has two prior use permits:

1. Zone Exception Permit ZE-83-86 for retail sales and service of motor scooters.
2. Planning Application PA-85-216 for a 680 square-foot storage building for motor scooters within the parking lot.

The sale and service of motor scooters (Newport Riva Scooters) ceased operation in October 1998. LA Gym Equipment occupied the building until August 2005, and the most recent business at this location, Busy Body Fitness Equipment, occupied the building since September 2005. Busy Body Fitness Equipment recently vacated the property.

Once approved, use permits "run with the land"; in other words, a similar use can establish on the property without having to obtain approval of a new use permit if no modifications to the use are proposed. Code Section 13-29(o) allows the Planning Commission to modify or revoke any planning application if it is found to be a public nuisance or not in compliance with the conditions of approval. In this case, however, staff has initiated the revocation because the uses approved under ZE-83-86 and PA-85-216 no longer operates at the site. Additionally, since the approval of the original applications, the redevelopment of surrounding properties, including Triangle Square and the abutting property containing Borders Bookstore, have facilitated a greater variety of retail uses that were not available at the time ZE-83-86 and PA-85-216 were approved.

If the revocation of PA-85-216 is approved, the property owner will be required to remove the storage building, which was originally allowed to be used for the storage of scooters, and replace it with open parking spaces no later than sixty (60) days from the effective date of Commission's decision.

ENVIRONMENTAL DETERMINATION

The revocation is exempt from the provisions of the California Environmental Quality Act under Section 15321 for Enforcement Actions by Regulatory Agencies.

ALTERNATIVES

The Commission may take no action to revoke the use permits; if the use permits are not revoked, they would continue to remain in place for the property. A similar use can establish on the property without having to obtain approval of a new use permit or updated conditions of approval.

CONCLUSION

Revocation of the existing land use entitlements will require that, if a similar use is proposed, a new planning application be submitted and approved, subject to updated conditions of approval.

- Attachments: 1. Draft Planning Commission Resolutions
2. Planning Staff Reports for ZE-83-86 and PA-85-216
3. Location Map and Photos

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

American Commercial Equities Three, LLC
22917 Pacific Coast Highway, #310
Malibu, CA 90265

File: 041309ZE8386/PA85216	Date: 040209	Time: 9:00 a.m.
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PLANNING COMMISSION RESOLUTIONS

RESOLUTION NO. PC-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA REVOKING ZONE EXCEPTION
PERMIT ZE-83-86**

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

WHEREAS, staff initiated revocation of Zone Exception Permit ZE-83-86 for retail sales and service of motor scooters because the use no longer operates on the property; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 13, 2009 to review, modify, and/or revoke the use permit.

BE IT RESOLVED that, based on the evidence in the record and subject to the findings contained in Exhibit "A", the Planning Commission hereby **REVOKES** Zone Exception Permit ZE-83-86 with respect to the property described above.

PASSED AND ADOPTED this 13th day of April, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS – ZE-83-86 (REVOCATION)

- A. Revocation was initiated because the use approved under ZE-83-86 no longer operates at the property. Because a planning application continues to be in effect regardless if the use is abandoned (i.e., "runs with the land"), a similar use could be established on the property without any updated conditions of approval to minimize impacts to surrounding properties. Since the approval of the original application, the redevelopment of surrounding properties, have facilitated a greater variety of retail uses that were not available at the time ZE-83-86 was approved. Revocation of the existing conditional use entitlement will require that, if a similar use is proposed, a new planning application be submitted and approved.
- B. 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 15321 for Enforcement Actions by Regulatory Agencies.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

RESOLUTION NO. PC-09

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA REVOKING PLANNING APPLICATION
PA-85-216**

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

WHEREAS, staff initiated revocation of Planning Application PA-85-216 for a 680 square-foot storage building for motor scooters within the parking lot because the use no longer operates on the property; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 13, 2009 to review, modify, and/or revoke the use permit.

BE IT RESOLVED that, based on the evidence in the record and subject to the findings contained in Exhibit "A", the Planning Commission hereby **REVOKES** Planning Application PA-85-216 with respect to the property described above.

BE IT FURTHER RESOLVED that the Planning Commission hereby requires the building to be removed and replaced with open parking spaces **no later than sixty (60) days** from the effective date of this decision.

PASSED AND ADOPTED this 13th day of April, 2009.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS – PA-85-216 (REVOCATION)

- A. Revocation was initiated because the use approved under PA-85-216 no longer operates at the property. Because a planning application continues to be in effect regardless if the use is abandoned (i.e., "runs with the land"), a similar use could be established on the property without any updated conditions of approval to minimize impacts to surrounding properties. Since the approval of the original application, the redevelopment of surrounding properties, have facilitated a greater variety of retail uses that were not available at the time PA-85-216 was approved. Revocation of the existing conditional use entitlement will require that, if a similar use is proposed, a new planning application be submitted and approved.
- B. 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 15321 for Enforcement Actions by Regulatory Agencies.
- C. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

STAFF REPORT FOR ZE-83-86

PLANNING DIVISION STAFF REPORT

SITE LOCATION 1880 Newport Boulevard APPLICATION NO. ZE-83-86 and RA-83-04 and EP-83-04 AGENDA NO. 117-105-20
AP # 117-105-20 MANDATORY ACTION DATE June 17, 1984
APPLICANT Charles H. Turner AUTHORIZED AGENT Blake Woodward
(Owner of Record)
ADDRESS 1607 Harrow Place ADDRESS 4000 MacArthur Boulevard # 500
Newport Beach, CA 92660 Newport Beach, CA 92660

Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

PREPARED BY PGS:hwm

REQUEST:

Conditional Use Permit to allow retail sales and service of motor scooters in an existing nonconforming retail building, with an Encroachment Permit to allow encroachment of an awning into the public right-of-way; and Redevelopment Agency review of proposed project.

FINAL COMMISSION ACTION: June 27, 1983

Zone Exception Permit ZE-83-86 - Approved, based on the analysis and findings and subject to the conditions contained in the Planning Division Staff Report. Staff was directed to work with the applicant to provide low lying landscaping in front of the building, with possible addition of stepping stones, to enable the applicant to provide access to the windows. (5-0)

Encroachment Permit EP-83-04 - Withdrawn in compliance with the applicant's request. (5-0)

Redevelopment Action RA-83-04 - Recommended to the Redevelopment Agency meeting of July 8, 1983, for review and approval, based on the analysis and findings and subject to the conditions contained in the Planning Division Staff Report. (5-0)

APPLICANT NOTIFIED ES DATE 6/29/83



I. DESCRIPTION

A. Subject Property

1. Location - 1880 Newport Boulevard (Redevelopment Agency)
2. Land Use Designation
 - a. General Plan - Commercial Center
 - b. Redevelopment Plan - Commercial
3. Zone - C2
4. Present Development - 2,700 sq. ft., single story nonconforming retail building, currently used for tool sales
5. Lot Dimensions - Slightly irregular;
 - (a) 175' x 55.67' (at greatest width)
 - (b) 9,574.96 sq. ft.
6. CEQA - Exempt: Class 1, Existing Facilities
Class 5(b) Alterations in Land Use Limitations

B. Surrounding Property

1. North - Theater, C2, (Northwest - Pacific Federal Building)
2. South - (Across Flower Street),
 - a. Directly south, retail, C2
 - b. Southeast, single-family homes, R2
3. East - Retail Center, P and C-1
4. West - (Across Newport Boulevard), retail, C2

II. REQUEST AND ANALYSIS

- A. Request is for ZE-83-86, a Conditional Use Permit to allow retail sales and service of motor scooters in an existing, nonconforming retail building and RA-83-04, review of exterior alterations and Redevelopment Agency action.

A request for an Encroachment Permit for the installation of an awning into the public right-of-way, EP-83-04, was originally advertised for this project. The applicant has stated that the awning will not be installed; therefore, Encroachment Permit EP-83-04 is no longer necessary and is to be withdrawn.

B. Conditional Use Permit - ZE-83-86

The primary concerns with sales and service of automobiles, motorcycles, boats, motor scooters, etc., are outdoor display and compatibility with surrounding properties.

1. City Code does not allow outdoor storage or display without a separate Conditional Use Permit. Proposed site design does not show any area for these activities.

2. Residential properties are within 100' of subject property. Staff has concern that the proposed use may be disruptive to these properties.

- a. The proposed service bays are located to the rear of the building, in the direction of the residences.
- b. Staff suggests that except for the loading and unloading of merchandise, the rear doors be kept closed to mitigate noise impacts.
- c. The applicant has stated that the motor scooter engines shall not exceed 200 ccs.
- d. Staff is concerned with noise impacts on residential properties and suggests that road tests be prohibited from any residential areas.

C. Development Standards

1. The applicant proposes to repave and stripe subject parking lot as follows:

Required - 11 spaces (1 handicapped)
Proposed - 11 spaces (1 handicapped)

2. Staff notes the submitted plans illustrate a trash enclosure which does not meet Code but carries a notation "to City standards". Sufficient room exists to provide conforming trash enclosure.

3. Landscaping

a. Subject site is substantially deficient in required landscape setbacks and absent of interior landscaping.

b. Applicant proposes to add an approximate 2' to 5' wide of landscape planter along a portion of the side setback (Flower Street).

c. Applicant proposes to provide interior landscaping as follows:

Required - 275 sq.ft.
Proposed - approximately 55 sq.ft.

- d. As subject proposal provides a minimal amount of the required landscaping both for setbacks and interior parking area. Staff suggests the removal of the concrete walkway adjacent to the front and right side of the building and the installation of landscaping. This would bring the site more into conformance with current standards. Also, it would reduce the possibility for outdoor display.
- e. In addition, Staff suggests that the existing and proposed landscaping maximize visual relief and screening abilities by providing dense plant material around the perimeter of the site, including vines on the metal fence.

D. RA-83-04

- 1. The Redevelopment Plan states that heavy commercial uses, such as automotive repair and service uses should not be encouraged in the Project Area. Staff suggests that the sales and service of motor scooters, as outlined in this report and conducted within the limitations of the Conditions of Approval will not be injurious to surrounding properties and therefore is consistent with the objectives of the Redevelopment Plan.

Review of Elevations

- 2. Subject building is contemporary in design with primarily stucco and glass features.
- 3. Applicant requests permission to relocate front doors, eliminate side windows and install two 8' by 7' overhead metal doors at the rear of subject building.
- 4. Staff is unable to find justification for the two 8' x 7' rear doors. These should not be necessary for motor scooters but would accommodate a standard sized automobile. Again, the Redevelopment Plan discourages automotive repair and service uses. Staff is concerned that installation of two large doors would tend to attract future automobile-related uses. Staff suggests the overhead doors each be replaced with two double door entries with maximum dimensions of 6' x 6'8" each. This should accommodate the requested use and be more in keeping with the intent of the Redevelopment Plan and the approved Design Guidelines.
- 5. Applicant has indicated that the building will be repainted. Though no colors have been specifically requested, the applicant has agreed to select those which are consistent with the approved Design Guidelines, with final approval by Planning Staff.

- 6. Staff notes that the submitted plans indicate a line graphic on the southerly and westerly elevations, addressing Flower Street and Newport Boulevard respectively. Staff suggests that this will accentuate the rectangular, contemporary design of the building, making it less consistent with the Spanish theme set forth in the approved Design Guidelines. Staff suggests its elimination.

II. PLANNING STAFF FINDINGS

A. ZE-83-86

- 1. The proposed use is substantially compatible with the uses permitted in the same general area and would not be materially detrimental to other properties in the area, if conducted within the limitations of the Conditions of Approval.
- 2. Approval of subject request will not be materially detrimental to the health, safety and general welfare of the public or otherwise injurious to property improvements within the immediate neighborhood.
- 3. Approval of subject requests will not allow a use, density, or intensity which is not in accordance with the General Plan designation.
- 4. The evidence presented substantially satisfies the Conditions as set forth in Costa Mesa Municipal Code Section 13-347 based on Section III.A. of this report for requested Conditional Use Permit.

B. RA-83-04

- 1. The proposed use is not inconsistent with the Redevelopment Plan.
- 2. The proposed exterior modifications, as modified by Staff, are not inconsistent with the approved Design Guidelines.
- 3. See Section III.A.

IV. PLANNING STAFF RECOMMENDATION

- 1. Approve ZE-83-86, subject to Conditions.
- 2. Recommend to the Redevelopment Agency approval of RA-83-04, subject to conditions.
- 3. Withdraw EP-83-04, per applicant's request.

V. CONDITIONS, IF APPROVED

Shall meet all the requirements of the various City departments, copy attached hereto.

CONDITIONS OF APPROVAL

1. Two 6'0" x 6'8" openings, each with two 3'0" x 6'8" doors, may be installed at the rear of the building.
2. Subject building, metal fence, and building posts shall be painted/stained; colors of walls, wood siding, doors, trim and fence shall be consistent with the approved Design Guidelines, under the direction of Planning Staff.
3. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final occupancy and utility releases will not be granted, and final inspections will not be signed off, until all such licenses have been obtained.
4. The rear doors shall be kept closed except for the immediate loading and unloading of merchandise.
5. Road testing of motor scooters shall not be conducted in any residential areas.
6. Concrete walkway adjacent to building shall be replaced with landscaping.
7. A trash enclosure shall be constructed, per City of Costa Mesa standards.
8. Approval shall be for a period of one (1) year. Prior to expiration, applicant may request renewal, subject to re-evaluation at that time. The Development Services Director may extend the Zone Exception Permit for a period not to exceed one (1) year if all Conditions of Approval have been satisfied, no complaints have been received, and a site inspection reveals compliance with the applicable ordinance requirements. Thereafter, the Development Services Director may extend the permit for a successive one (1) year period under the same terms.
9. Approval is for the use specifically described in this report only.
10. A landscape and irrigation plan shall be submitted to and approved by the Planning Division for both the existing and proposed landscaping. Special attention shall be paid to screening parking area through the use of dense planting, including vines on the metal fence.
11. Building fascia shall be painted one color only.
12. Condition Nos. 1 through 7 and 10 through 13 shall also be completed prior to occupancy of the building.
- Eng. 13. Construct P.C.C. residential/commercial sidewalk per City of Costa Mesa Standard Drawings at applicant's expense.

APPLICANT IS REMINDED THAT THE FOLLOWING ARE REQUIREMENTS OF FEDERAL, STATE, AND LOCAL LAWS AND CANNOT BE WAIVED OR MODIFIED:

- Plng. 14. All landscaped areas shall be separated from paved vehicular areas by 6-inch high continuous Portland cement concrete curbing.
15. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
16. Applicant is advised that outdoor storage, display, and work is prohibited without a Conditional Use Permit.

CONDITIONS OF APPROVAL

17. Applicant is advised that noise levels may not exceed the limits established within the City's Noise Ordinance.
- Bldg. 18. Prior to occupying the new proposed business, the tenant must obtain a Certificate of Occupancy per 307 and 502 of the U.B.C. This may require alterations to the building in order to make it conform to the current Codes.
19. Prior to the issuance of any building permits, plans must be submitted for plan check and approved by the Development Services Department.
- Fire 20. Provide a one-hour occupancy separation between the service area and remaining areas of the occupancy.
21. A Fire Department permit is required to conduct automotive repair.
22. The service area shall meet all U.B.C. and U.F.C. requirements prior to occupancy.

Redevelopment Agency Action: 7/6/83 - Approved with the additional finding that the intended use will enhance the area and make the building more conforming.

Condition Nos. 1 and 11 were deleted.

Condition No. 6 was modified in that the existing landscaping shall be properly maintained and improved, that the proposed landscaped areas along the parking area and the fence shall be installed and handwatered until such time as an irrigation system is required, and that box planters may be used in accordance with the architect's design criteria along the front of the building.

STAFF REPORT FOR PA-85-216

PLANNING DIVISION
STAFF REPORT

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AGENDA NO. 70

SITE LOCATION 1880 Newport Boulevard APPLICATION NO. PA-85-216/RA-85-19

AP # 425-453-01 MANDATORY ACTION DATE _____

APPLICANT Sid Partow AUTHORIZED AGENT Marion Satterfield
(Owner of Record)

ADDRESS 1880 Newport Boulevard ADDRESS 1880 Newport Boulevard
Costa Mesa, CA 92627 Costa Mesa, CA 92627

Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

PREPARED BY KC:alm

REQUEST:

Variance from parking requirements to enclose three required parking spaces with a garage which is to be used for storage purposes.

FINAL COMMISSION ACTION: December 23, 1985 Jan. 27, 1986

PLANNING ACTION PA-85-216 AND REDEVELOPMENT ACTION RA-85-19 - Approved Planning Action PA-85-216 as a Conditional Use Permit for temporary storage and recommended approval to the Redevelopment Agency of Redevelopment Action RA-85-19 subject to the conditions contained in the Planning Division Staff Report based on the following findings:

1. The business does not require automotive parking standards and;
2. The use is solely for secured, overnight parking of customer vehicles.

Condition No. 1 was modified to read:

1. The storage building shall be located so as to allow a minimum of three (3) appropriate size parking spaces with one handicap space to remain.

(4-1, Mr. Clark voting no)

REDEVELOPMENT ACTION RA-85-19 - February 5, 1986.

Approved, based on the findings and conditions as modified by the Planning Division staff.

APPLICANT NOTIFIED he DATE 1/2/86

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92626 (714) 754-5245

I. DESCRIPTION

A. Subject Property

1. Location - 1880 Newport Boulevard
2. General Plan designation - Commercial Center
3. Zone - C2
4. Present development - Approximately 2,700 sq.ft. commercial building
5. Lot area - Approximately 9,575 sq.ft.
6. CEQA - Exempt

B. Surrounding Property

1. North - C2, theater
2. South - C2 and R2 (across Flower Street), retail uses and residences
3. East - P and C1, Retail center and parking area across alley
4. West - Newport Boulevard

C. Request

Redevelopment Agency review and a Variance from parking requirements to enclose three required parking spaces with a garage to be used for storage purposes.

D. Background

On July 6, 1983, Redevelopment Agency approved ZE-83-86 and RA-83-04, a Conditional Use Permit to allow retail sales and service of motor scooters in an existing retail building with Redevelopment Agency review. The application expired July 6, 1984 and can be renewed administratively in one year increments.

II. PROJECT DESCRIPTION

The applicant proposes to construct a 34' x 20' storage building behind the existing commercial building used by a motor scooter dealership and repair shop.

As the building would remove required parking spaces and as the building would be located in the Redevelopment Area, a Parking Variance and Redevelopment Agency review are necessary.

III. PLANNING STAFF ANALYSIS

- A. The existing building is not large enough to accommodate all the motor scooters that are brought in for servicing. These scooters are currently stored in the parking lot during the day and brought inside at night.

- B. The existing outdoor storage of the scooters requires a Conditional Use Permit as it removes required parking spaces and is visible from off-site. While the proposed 34' x 20' garage would screen the scooters, it would permanently remove three required parking spaces.

C. Parking

1. The existing building requires 11 parking spaces, including one handicapped space. These 11 spaces are currently provided. The proposed storage building increases the requirement to 14 spaces, yet only 8 spaces would be available for employees and customers. This could cause more cars to park on the street which is especially undesirable since the site is near a residential area.
2. The applicant proposes to relocate the handicapped space from an area next to the trash enclosure, where the building is proposed, to one of the parallel spaces. The site plan, however, does not show the 5' unloading area required for the handicapped space. The 14' wide stall would encroach 3-1/2' into the backout area required for the angled spaces. According to State Code, a handicapped space must be provided.

The handicapped space could be relocated to the angled parking area, however, one additional standard space would be lost. Only 7 spaces out of the 14 spaces required would be provided. A better solution would be to locate a smaller storage building over the 3 angled spaces to the rear of the property which would preserve 8 spaces, including the handicapped space. None of the landscaping should be removed as the site is already deficient.

3. With other open outdoor storage that takes required parking spaces, Staff has been able to recommend approval of the Conditional Use Permit on a temporary basis when only a few spaces are removed from general use and when the storage is screened. Due to the permanence of the proposed structure, however, and since only half the parking would be provided, Staff is unable to recommend approval of the parking Variance.
4. The applicant submitted a parking survey which shows that there are usually 10-13 scooters and only a few cars using the lot. According to the applicant's survey, the 8 remaining spaces would be more than adequate.

D. RA-85-19

1. The Redevelopment Plan discourages automotive repair and service uses in the project area. However, the original Conditional Use Permit for the sales and service of motor scooters was approved because

the conditions put on the project helped make it a use that is compatible with the Redevelopment and surrounding areas. Any outdoor display or storage of scooters was discouraged.

2. Elevations

The proposed 11-1/2' high building would be constructed of concrete block with wood fascia and two 12' wide roll-up doors facing Flower Street. The roof would be flat as is the roof on the existing building. In order to be consistent with the main building and the Redevelopment Area Design Guidelines, the new building should have a stucco finish painted to match the existing color.

E. Additional Discussion

During site visits, Staff has noted that the trash bin is often out of its enclosure and that a trailer is stored in a parking space. The trailer should be kept out of the parking area and the bin should be in the enclosure.

IV. PLANNING STAFF FINDINGS

A. PA-85-216

The evidence presented does not satisfy Costa Mesa Municipal Code Section 13-346 as the storage building would create a permanent and substantial reduction in parking without any special circumstances related to this site with which to justify the Variance.

B. RA-85-19

1. The proposed building elevations, as modified by Staff, are consistent with the main building and with the Design Guidelines.

2. See Section III.A.

V. PLANNING STAFF RECOMMENDATION

1. Deny PA-85-216.

2. Recommend denial of RA-85-19 to the Redevelopment Agency.

3. Direct applicant to reserve all 11 spaces for customer and employee parking rather than for storage.

VI. CONDITIONS, IF APPROVED

Shall meet all requirements of the various City Departments, copy attached hereto.

CONDITIONS OF APPROVAL

- Plng. 1. The storage building shall be located to the rear of the lot, covering no more than 3 existing standard parking spaces.
2. All existing landscaping shall remain.
3. Building elevations shall be finished in stucco painted to match the front building.
4. Applicant is reminded that the trash bin shall be kept within the enclosure and that the trailer shall not be stored in a parking space.
5. Approval of this application does not constitute approval of any outdoor storage.
6. Conditions from ZE-83-86/RA-83-04 still apply and are attached.
7. Approval of the Planning Action is valid for one (1) year and will expire at the end of that period unless building permits are obtained or the applicant applies for and is granted an extension of time.
8. Planning Commission action on PA-85-216 shall not become final until seven (7) days following final action on RA-85-19.
9. Approval shall be for a period of one (1) year. Prior to expiration, applicant may request renewal, subject to reevaluation at that time. The Development Services Director may extend the Planning Action for a period not to exceed two (2) years if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable Ordinance requirements. Thereafter, the Development Services Director may extend the permit for successive two (2) year periods under the same terms.
10. Applicant shall sign a Right-of-Entry and Removal Agreement ensuring the removal of the storage building, at the applicant's expense, at such time when the Planning Action expires. The document shall be recorded prior to issuance of building permits.
11. A cash deposit, time certificate deposit, or other deposit acceptable by the City shall be posted in conjunction with the removal of the building and the Right of Entry and Removal Agreement. The cost of restriping the 3 parking spaces after the building is removed shall be considered in the deposit.

APPLICANT IS REMINDED THAT THE FOLLOWING CONDITIONS ARE REQUIREMENTS OF FEDERAL, STATE, AND LOCAL LAWS AND CANNOT BE WAIVED OR MODIFIED.

12. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final occupancy and utility releases will not be granted, and final inspections will not be granted until all such licenses have been obtained.
13. Development shall comply with all requirements of Article 16, Chapter 11, Title 13 of the Costa Mesa Municipal Code.
- Eng. 14. At the time of development submit Site Plan, that shows the limits of work on the site, to City of Costa Mesa Engineering Division. Rough grade approval must be obtained prior to Building or Engineering Permits.

being issued by City of Costa Mesa. The extent of topography on this plan shall be sufficient to determine drainage impacts to adjacent properties.

15. A permit from the City of Costa Mesa, Engineering Division, and a deposit will be required prior to any on- or off-site work to insure the integrity of remaining and adjacent improvements due to construction ingress/egress.
16. Obtain a permit from the City of Costa Mesa, Engineering Division, at the time of development and reconstruct P.C.C. Type II driveway approach on Flower Street per City of Costa Mesa Standards as shown on the Site Plan. Location and dimensions are subject to the approval of the Transportation Services Engineer.
- Fire 17. Provide address numerals which conform to Fire Department standards with respect to size (12") and location.

Partow/Satterfield
PA-85-216/PA-85-19

PLANNING COMMISSION ACTION - December 23, 1985

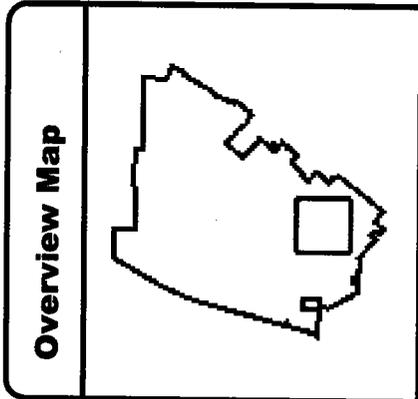
Condition No. 1 modified:

1. The storage building shall be located to so as to allow a minimum of 7 regular size parking spaces with one handicap space to remain.

LOCATION MAP AND PHOTOS

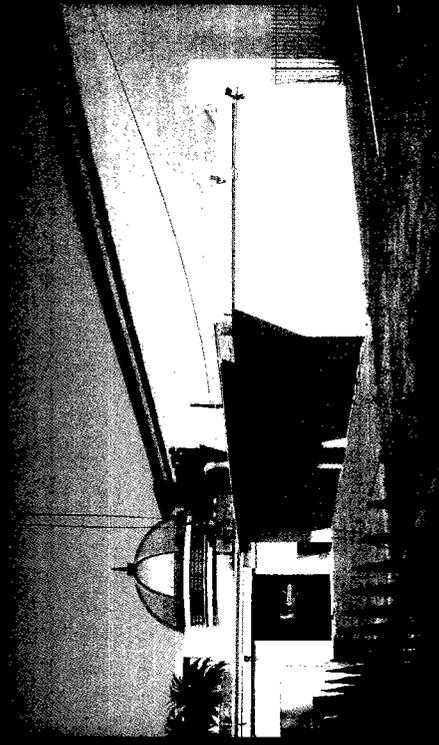
City of Costa Mesa

CITY OF COSTA MESA - [Created: 3/23/2009 2:42:04 PM] [Scale: 116.63] [Page: 8.5 x 11 / Landscape]



Legend

	Freeway		Street Centerlines
	Roads		Parcel Lines
	Collector		Level1 Ortho Photo
	Freeway Major		Parcels
	Newport Blvd Primary		ROW Polygons
	SECONDARY		Street Names



1880 Newport Boulevard
(Above Photo Shows Storage Building Approved Under PA-85-216)