



# PLANNING COMMISSION AGENDA REPORT

VI.6

MEETING DATE: DECEMBER 14, 2009

ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-09-17  
CONDITIONAL USE PERMIT FOR MOTOR VEHICLE (SCOOTER) REPAIR SHOP  
WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTIES  
629 TERMINAL WAY, UNIT #13

DATE: DECEMBER 3, 2009

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611 (mlee@ci.costa-mesa.ca.us)

## DESCRIPTION

Planning Application PA-09-17 is for a conditional use permit for a motor vehicle (scooter) repair shop (Massimo's Vespa Shop) within 200 feet of residentially-zoned properties.

## APPLICANT

Massimo Di Marco is the authorized agent for Judith Swedlund Trust, the property owner.

## RECOMMENDATION

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

MEL LEE, AICP  
Senior Planner

KHANH NGUYEN  
Acting Ass. Development Svs. Director

**BACKGROUND*****Project Site/Environs***

The site is zoned MG (General Industrial) and contains a 33,345 square foot multi-tenant industrial building bounded by the Trader Joe's Market to the south and various industrial uses, including car and boat repair shops, to the north (across Terminal Way). Several multi-family residential properties abut the industrial uses on the opposite side of Terminal Way, approximately 190 feet from the subject property.

***Massimo's Vespa Shop***

Massimo's Vespa Shop is a motor scooter repair shop that also sells parts and accessories. They have operated in the City at 1663 Superior Avenue, Unit A, for approximately four years and is relocating to the subject property.

Approval of a conditional use permit is required per Title 13, Section 13-30(107), because the subject property is within 200 feet of residentially-zoned properties. The use is also further subject to the development standards outlined in Section 13-54(b) (Service and Repair of Motor Vehicles).

**ANALYSIS**

Below is a summary of the existing uses within the building.

<b>Summary of Existing Uses 629 Terminal Way</b>		
<b>Unit #</b>	<b>Business Name</b>	<b>Type of Use</b>
1	Thomas Printers	Publisher/Print Shop
2	The Krogman Group	Fine Arts Dealer and Picture Framing
3	Vacant	N/A
4	Mike's TV Service Center	Off-Site TV Repair
5	Vacant	N/A
6	Vacant	N/A
7	Paddle Surf Warehouse	Mail Order Paddles
8	Vacant	N/A
9	Harbor Marine Canvas	Boat Dealer (Office Only)
10	Vacant	N/A
11	Moto X Works	Motorcycle Repair (1)
12	Vacant	N/A
<b>13</b>	<b>Massimo's Vespa Shop</b>	<b>Scooter Repair (Subject Use)</b>
14	North County Plumbing	Plumbing and Heating
15-18	Trim Wholesale Lighting	Wholesale lighting
19	Power Storage and Marine	Service of Steering Mechanisms for Boats
20	Junk Be Gone	Junk Removal Service
21	Coast Mailing Service	Mailing Service
23	Vacant	NA
24	Vacant	NA
25	Vacant	NA
26-27	Sunwest Air Conditioning	Air Conditioning Service

(1) This use is operating without a business license and conditional use permit. Code Enforcement is working with the property owner to achieve compliance. Property owner has been notified that failure to comply may result in civil citations and delays in processing future discretionary applications.

***Justifications for Approval***

Following are staff justifications for the approval of the conditional use permit:

- *No adverse noise and daily operational impacts to surrounding residential properties are anticipated.* Although the property is 190 feet from residentially-zoned properties to the north, the service bays are oriented to the south (rear) of the building, as is the case with the other service bays and loading areas for the other uses in this building. As a result, there will be minimal noise, lighting, or other operational impacts of this use to residentially-zoned properties. Furthermore, there has been no history of Code Enforcement problems (including noise-related complaints) or Police complaints related to the use at its previous location.
- *The small scale of the Vespa repair activities is within the "moderate traffic generating" intensity limits established in the General Plan/zoning district.* Motor vehicle repair uses are typically considered "moderate traffic generating" uses. In this case, the existing multi-tenant building is larger than the maximum building size allowed in the Light Industry General Plan designation for moderate traffic generating uses.
  - General Plan allows: 22,869 sq.ft. building / 0.25 Maximum FAR
  - Existing Nonconforming Conditions: 33,345 sq.ft. building / 0.38 FAR

Motor vehicle repair in conjunction with other uses is typically considered to be a moderate traffic generating use. The use was reviewed by the City's Transportation Services Division and determined that because of the relatively small scale nature of the repair use, the traffic generation will not exceed that of a moderate traffic generating industrial use.

- *Retail sales of scooter parts and accessories are proposed to be incidental to the main use.* General retail stores are prohibited in the MG zone. However, the applicant has indicated that retail goods will be incidental to the primary repair business.
- *Condition of approval limits expansion of vehicle service area.* Staff support of the conditional use permit application is based upon the small scale nature of the 1,450 square foot repair business. A condition of approval prohibits any increase in the number of service bays and any expansion of the vehicle service area without prior written approval of the Planning Division. This condition is intended to restrict business activities to a moderate-traffic generating industrial use.

**GENERAL PLAN CONFORMITY**

The property is zoned MG (General Industrial) and has a General Plan Designation of Light Industrial. As indicated earlier, based on the nature of the repair use, the use is consistent with the General Plan provisions for nonconforming FAR as well as being compatible with residentially-zoned properties. Therefore, the use conforms with the General Plan.

**ALTERNATIVES**

The Planning Commission has the following alternatives:

1. Approve the application. As recommended by staff, this action will allow the use, subject to conditions of approval and Code Requirements.
2. Deny the application. If the use is denied, the applicant could not submit substantially the same type of application for six months.

**ENVIRONMENTAL DETERMINATION**

The use is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities. If the use is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

**CONCLUSION**

Staff supports the use because the nature of the repair use (motor scooters), and the location and orientation of the building, will not adversely affect residential properties nor result in a significant traffic generation to the site.

Attachments:   1. Draft Planning Commission Resolutions  
                   2. Applicant Letter  
                   3. Location Map  
                   4. Plans

cc:                   Acting Development Services Director  
                           Deputy City Attorney  
                           City Engineer  
                           Fire Protection Analyst  
                           Staff (4)  
                           File (2)

Judith Swedlund Trust  
 1240 Logan Avenue, Suite A  
 Costa Mesa, CA 92626

Massimo DiMarco  
 629 Terminal Way, Unit # 13  
 Costa Mesa, CA 92627

ATTACHMENT 1

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REGARDING PLANNING APPLICATION PA-09-17 FOR THE APPROVAL OF A CONDITIONAL USE PERMIT TO ALLOW A MOTOR VEHICLE (SCOOTER) REPAIR SHOP WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTIES.**

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

WHEREAS, an application was filed by Massimo DiMarco, authorized agent for Judith Swedlund Trust, owner of real property located at 629 Terminal Way, Unit # 13, in a General Industrial (MG) zone;

WHEREAS, the request is for a conditional use permit to establish a motor vehicle (scooter) repair shop (Massimo's Vespa Shop) within 200 feet of residentially-zoned properties;

WHEREAS, a duly noticed public hearing held by the Planning Commission on December 14, 2009 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-09-17 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the staff report for Planning Application PA-09-17 and upon applicant's compliance with each and all of the conditions 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 14th day of December, 2009.**

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James Righeimer, Chair,  
Costa Mesa Planning Commission

STATE OF CALIFORNIA )  
 )ss  
COUNTY OF ORANGE )

I, Khanh Nguyen, 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 December 14, 2009, by the following votes:

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

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Secretary, Costa Mesa Planning Commission

## EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The use complies with Costa Mesa Municipal Code Section 13-29(e) because:
- The use, as conditioned, is compatible and harmonious with uses that exist in the general neighborhood...
  - The use, as conditioned, complies with applicable performance standards as prescribed in the Zoning Code, specifically, compliance with the City's noise ordinance provisions.
  - The use is consistent with the General Plan, specifically General Plan Goal LU-1F.1, because the recommended conditions of approval will ensure the protection of existing residential neighborhoods from incompatible or disruptive land uses and/or activities.
  - The zoning application is for a project-specific case and does not establish a precedent for future development.
  - The cumulative effects of all planning applications have been considered.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed specialty retail store use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, although the property is 190 feet from residentially-zoned properties to the north, the service bays are oriented to the south (rear) of the building, as is the case with the other service bays and loading areas for the other uses in this building. As a result, there will be no noise, lighting, or other operational impacts of this use to residentially-zoned properties. Furthermore, there has been no history of Code Enforcement problems or Police complaints related to the use at its previous location.
- 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 IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

## EXHIBIT "B"

CONDITIONS OF APPROVAL

- Plng.
1. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
  2. The use shall be limited to the type of operation described in this staff report. i.e., motor scooter repair and sales of parts and accessories. Any change in the operational characteristics, will require approval of an amendment to the conditional use permit, subject to Planning Commission approval. Specifically, any increase in the number of service bays or expansion of the vehicle service area is expressly prohibited without prior written approval.
  3. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.

RESOLUTION NO. PC-09-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REGARDING PLANNING APPLICATION PA-09-17 FOR THE DENIAL OF A CONDITIONAL USE PERMIT TO ALLOW A MOTOR VEHICLE (SCOOTER) REPAIR SHOP WITHIN 200 FEET OF RESIDENTIALLY-ZONED PROPERTIES.**

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

WHEREAS, an application was filed by Massimo DiMarco, authorized agent for Judith Swedlund Trust, owner of real property located at 629 Terminal Way, Unit # 13, in a General Industrial (MG) zone;

WHEREAS, the request is for a conditional use permit to establish a motor vehicle (scooter) repair shop (Massimo's Vespa Shop) within 200 feet of residentially-zoned properties;

WHEREAS, a duly noticed public hearing held by the Planning Commission on December 14, 2009 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **DENIES** Planning Application PA-09-17 with respect to the property described above.

**PASSED AND ADOPTED this 14th day of December, 2009.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

## EXHIBIT "A"

**FINDINGS (DENIAL):**

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. A compatible and harmonious relationship does not exist between the proposed use and existing buildings, site development, and uses on surrounding properties.
  2. The proposed use is not consistent with the General Plan or Redevelopment Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) with regard to the conditional use permit in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permit will be materially detrimental to the health, safety, and general welfare of the public or otherwise injurious to properties or improvements within the immediate neighborhood.
- C. The Costa Mesa Planning Commission has denied Planning Application PA-09-17. 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.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2

11-02-2009

Dear Mr. Mel Lee,

I'm Massimo DiMarco, owner and a mechanic here at Massimo's Vespa Shop. I've doing business at my old shop for almost 4-yrs. Now, I'm moving to new location.

The new location is not facing the traffic. Has floor area of 1,450 sq. ft. The most clients that I have each day are 2 to 3 persons; buying parts , need repair, and want estimates. Sometimes, we have no client coming at all. I'm doing scooter repair and restorations. Sometimes, I help to sale my clients used scooter, inside the shop. Business hours is Monday to Friday from 10:am to 6:pm. Saturdays from 10:am to 2:pm, but sometimes we are closed on these days. Every Sunday we are closed.

Sincerely,

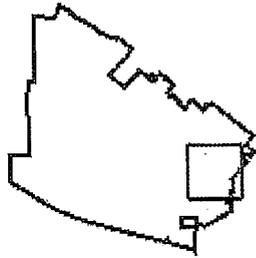


Massimo DiMarco (DBA)

**ATTACHMENT 3**

City of Costa Mesa  
 CITY OF COSTA MESA - [Created: 12/2/2009 10:47:52 AM] [Scale: 205.86] [Page: 8.5 x 11 / Landscape]

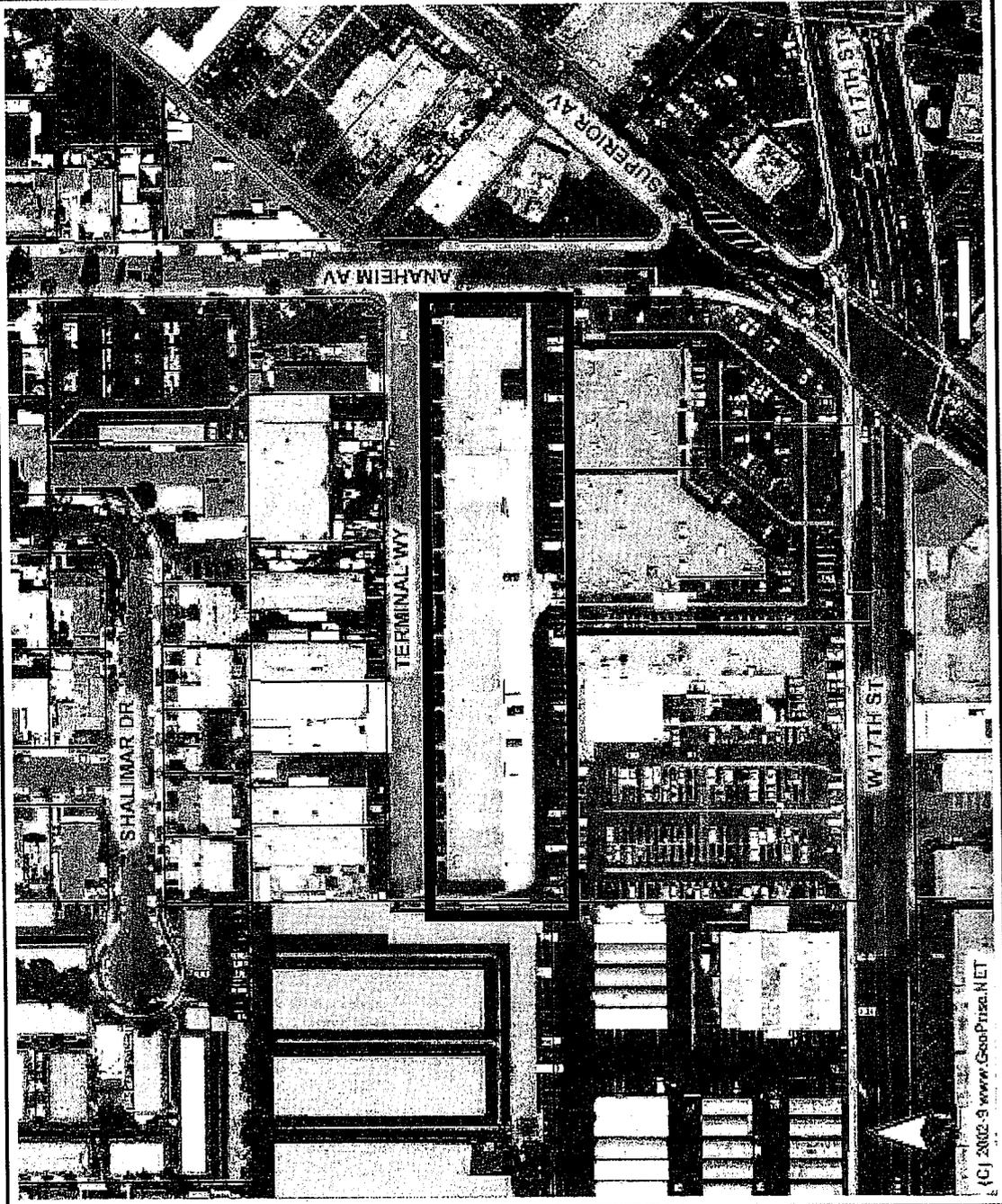
**Overview Map**



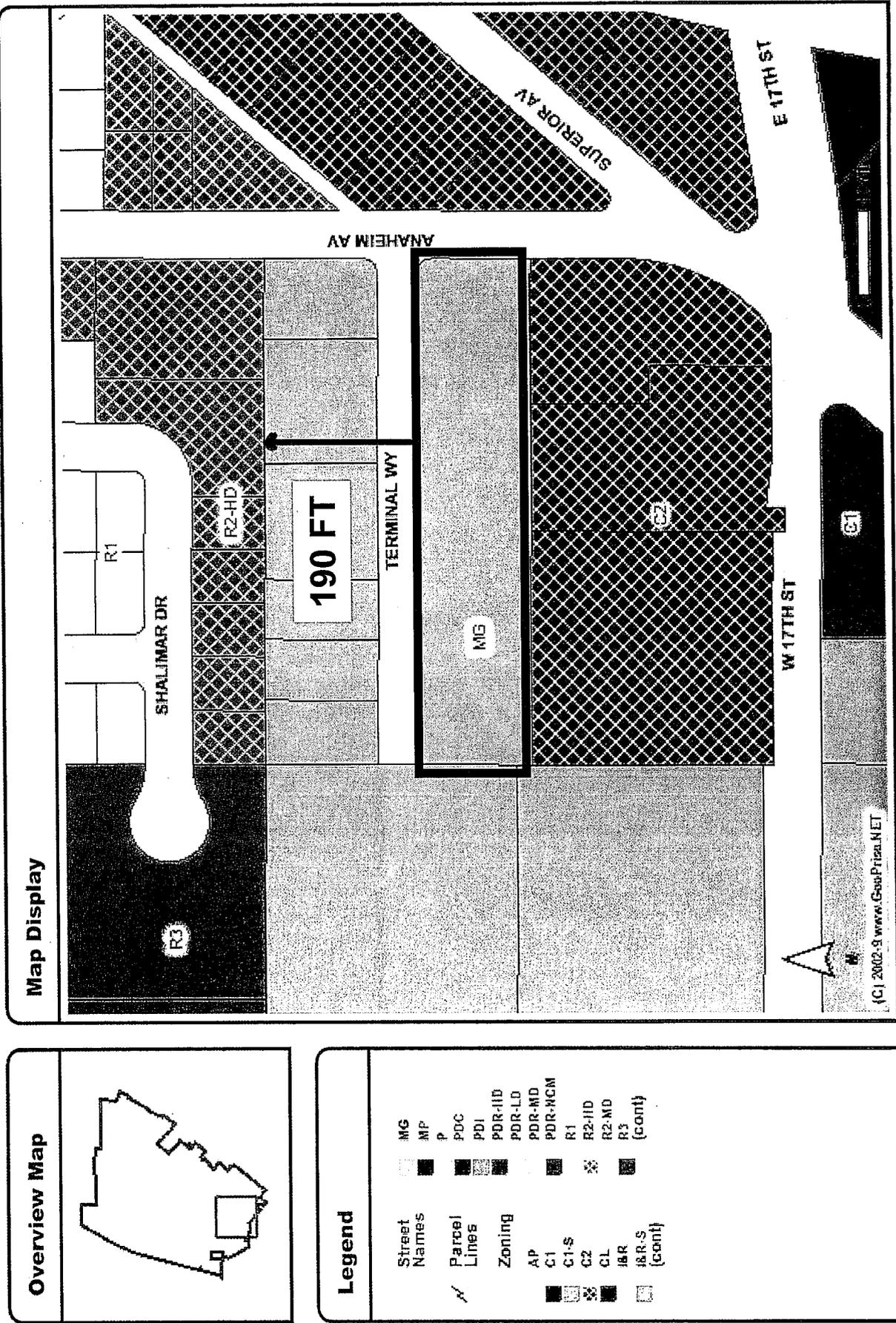
**Legend**

- Street Names
- Parcel Lines
- Ortho 2008 Level 2
- Ortho 2006 Level 2
- Parcels
- ROW
- Polygon-5

**Map Display**



(C) 2002-9 www.GeoPrise.NET



Map Display

Overview Map

Legend

- |              |         |
|--------------|---------|
| Street Names | MG      |
| Parcel Lines | MP      |
| Zoning       | P       |
| AP           | PDC     |
| C1           | PDI     |
| C1-S         | PDR-IID |
| C2           | PDR-LD  |
| CL           | PDR-MD  |
| IBR          | PDR-MCM |
| IBR-S        | R1      |
| (cont)       | R2-IID  |
|              | R2-MD   |
|              | R3      |
|              | (cont)  |

