PLANNING COMMISSION AGENDA REPORT

VII. 6

MEETING DATE: NOVEMBER 8, 2010 ITEM NUMBER:

SUBJECT: REVOCATION OF PLANNING APPLICATION PA-04-26 FOR A CONDITIONAL USE PERMIT FOR OFF-SITE PARKING AT 1534 ADAMS AVENUE AND 2880 MESA VERDE DRIVE EAST

DATE: OCTOBER 28, 2010

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

DESCRIPTION

Revocation of Planning Application PA-04-26 for a conditional use permit for off-site parking due to closure/relocation of "Paul Mitchell The School." The CUP allowed 90 off-site parking spaces at 2880 Mesa Verde Drive East for the School.

APPLICANT

The request for revocation was initiated by the City of Costa Mesa.

RECOMMENDATIONS

Revoke Planning Application PA-04-26 by adoption of Planning Commission resolution due to discontinuance of use.

MEL LEE, AICP
Senior Planner

KHANH NGUYEN
Asst. Development Services Director

BACKGROUND

Replacing a former movie theater in the Sparks building, Paul Mitchell School was established at the retail center at the northwest corner of Adams Avenue and Harbor Boulevard in 2000. This retail center was originally constructed in the 1960's and considered nonconforming with regard to parking requirements (192 spaces existing; 237 spaces required by Code).

Due to this nonconforming parking situation, overflow parking into the residential streets was occurring on a regular basis which necessitated an off-site parking plan.

On July 11, 2005, Planning Commission approved Conditional Use Permit PA-04-26 allowing Paul Mitchell School, located at 1534 Adams Avenue, to utilize 90 of the available 100 parking spaces at the nearby church property at 2880 Mesa Verde Drive East (First Church of Christ Scientist). The off-site parking did not conflict with church services.

The staff report can be found on the City's website at the below address:

http://www.ci.costa-mesa.ca.us/council/planning/2005-07-11/071105PA0426.pdf

ANALYSIS

On November 1, 2010, the school will be relocating to the South Coast Collection at 3309 Hyland Avenue, Suite J. A minor conditional use permit to facilitate a reduction in the amount of required parking spaces at the South Coast Collection location was approved by the Zoning Administrator on April 8, 2010 as Zoning Application ZA-10-12.

Pursuant to Zoning Code Section 13-29(k)(1),use permits "run with the land until revoked"; in other words, a similar use could establish on the property without having to obtain approval of a new use permit if no modifications to the use are proposed.

In this case, however, staff has initiated the revocation for the following reasons:

- The off-site parking approved under PA-04-26 will no longer be required for the site due to the closure and relocation of the school
- Revocation of use permits due to discontinuance of a use is considered a standard "housekeeping" practice.
- The implication of the revocation is that a new request for off-site parking would be considered by the Planning Commission in the future. Therefore, project specific and updated conditions of approval would be applied at that time.

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 permit; if the use permit is not revoked, it would continue to remain in place for the property. A similar use requiring off-site parking and operating under the conditions of approval could establish on the property without having to obtain approval of a new use permit.

CONCLUSION

Revocation of the existing CUP will require that a future request for off-site parking will require processing and approval of a new CUP application by the Planning Commission.

Attachments:
1. Draft Planning Commission Resolution (Revocation)
2. Letter from Paul Mitchell The School

cc:

Development Services Director
Deputy City Attorney
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (4)
File (2)

John Kucharski, CPA
Controller
Von Curtis, Inc.
DBA Paul Mitchell The School
1534 Adams Avenue
Costa Mesa, CA 92626

First Church of Christ Scientist
2880 Mesa Verde Drive East
Costa Mesa, CA 92626

Tom Sparks, Partner
Sparks Enterprises, LP
1500 Adams Avenue, Suite 300
Costa Mesa, CA 92626

RESOLUTION NO. PC-10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVOKING PLANNING APPLICATION PA-04-26

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

WHEREAS, on July 11, 2005, Planning Commission approved Planning Application PA-04-26 allowing the use of 90 off-site parking spaces at 2880 Mesa Verde Drive East for Paul Mitchell The School located at 1534 Adams Avenue;

WHEREAS, because the school will be relocating to another site in the City, the off-site parking demand allowed pursuant to Planning Application PA-04-26 will no longer exist

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 8, 2010 to revoke the conditional 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-04-26 with respect to the property described above.

PASSED AND ADOPTED this 8th day of November, 2010.

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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 November 8, 2010 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS – PA-04-26 (REVOCATION)

A. Revocation was initiated because the use approved under PA-04-26 will be discontinued at the property at the time the revocation takes effect. 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. Revocation of the existing conditional use permit will require that, if a similar use is proposed, a new planning application be submitted and approved by the Planning Commission.

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.

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PAUL MITCHELL.
the school
COSTA MESA

September 28, 2010

Mr. Mel Lee, Senior Planner
City of Costa Mesa
Development Services Department
P. O. Box 1200
77 Fair Drive
Costa Mesa, CA 92628-1200

RE: Planning Application PA-04-26
1500 and 1534 Adams Avenue, Costa Mesa

Dear Mr. Lee:

As we discussed previously, I am sending you this letter to provide written notice that Paul Mitchell the School located at 1534 Adams will no longer require the off street parking permit PA-04-26 to continue with the First Church of Christ Scientist effective on 11/1/10.

Paul Mitchell the School will be moving to a new location located at 3309 Hyland Avenue, Suite J, Costa Mesa, CA. The school will open at the new location on 11/1/10.

Thank you with your assistance regarding this matter.

Sincerely,

John Kucharski

John Kucharski, CPA
Controller
Von Curtis, Inc.
DBA Paul Mitchell the School
Phone: 714-444-0788 ext. 1516