PLANNING COMMISSION AGENDA REPORT

MEETING DATE: APRIL 14, 2014 **ITEM NUMBER:** PH-1

SUBJECT: **AMENDMENT OF PLANNING APPLICATION PA-03-15 REQUEST TO AMEND CONDITIONS OF APPROVAL FOR AN APPROVED CONDITIONAL USE PERMIT AND VARIANCE TO THE LANDSCAPED STREET SETBACK ALONG THE FRONTAGE AT 708 AND 714 RANDOLPH AVENUE.**

DATE: **APRIL 2, 2014**

FOR FURTHER INFORMATION CONTACT: **ANTONIO GARDEA, SENIOR PLANNER (714) 754-5692**
antonio.gardea@costamesaca.gov

DESCRIPTION

Amendment to an approved Conditional Use Permit (CUP) and Variance to modify the conditions of approval for off-site parking for the Lab. The CUP and Variance were granted on June 23, 2003. The applicant requests that the condition(s) of approval that limit the approval of the Variance to ten years be removed and allow the Variance to run concurrent with the approved CUP.

APPLICANT

Hugh R. Coffin is the authorized agent for Dr. Harold Cozen, the property owner.

RECOMMENDATION

1. Find that the project is exempt from further California Environmental Quality Act (CEQA) review per Section 15301- Existing Facilities; and

2. Approve the amendment of conditions of approval for Planning Application PA-03-15, to allow the Variance and Conditional Use Permit for off-site parking to remain in effect until the parking lot use ceases, by adoption of a Planning Commission Resolution.

BACKGROUND

On June 23, 2003, the Planning Commission approved Planning Application PA-03-15 to allow the use of the property located at 708 and 714 Randolph Avenue as off-site parking for 'the Lab' which is located immediately adjacent at 2930 Bristol Street. At the time, the

parking lot was needed as additional required parking spaces to accommodate expansion of the existing restaurant uses at the Lab. The lot had been used as overflow parking for the Lab for several years prior to formalizing the agreement, via a Conditional Use Permit application, and improving the lot with paving and landscaping. At the time, the applicant was the property owner of the Lab.

The planning application to provide off-site parking included a Variance request to reduce the required 20 foot landscaped setback to four feet. Approval of the Variance enabled the applicant to provide an additional row of parking spaces.

The staff report for the original application indicates that the item was postponed in order to craft conditions of approval that would limit the effective term of the Variance. The Planning Commission wanted assurances that should the property be redeveloped in the future, that the code required landscaped setback would be provided. Three of the conditions of approval are related to the Variance with two conflicting sunset clauses.

On June 14, 2013, the representative from the Lab submitted a letter stating that the parking lot lease agreement has been extended for two years, until September 30, 2015. On December 23, 2013, the applicant's representative submitted an application for a ten-year time extension. The applicant's representative subsequently submitted a request to omit the sunset clause from the conditions of approval and have allow the Variance to be effective as long as the parking lot use remains.

ANALYSIS

The original staff report indicates that the Planning Commission intended to limit the life of the variance to insure that upon redevelopment of the site the variance would no longer apply. According to the Municipal Code time limits, planning applications shall run with the land, except as a condition imposed at the time of granting the planning application. When a planning application expires pursuant to a Condition of Approval, the applicant may apply for an extension of time (CMMC 13.29. (k)(4)).

The applicant has requested such extension and modification of specific Conditions of Approval such that the Variance will run with the CUP for the parking lot and will terminated with the discontinuation of the parking lot use or redevelopment of the site for another use. This change is consistent with the intent of the original CUP and associated Variance and supports the ongoing need for parking at the Lab.

The approved Conditional Use Permit and Variance (PA-03-15) includes the following three conditions of approval related to the effective date and time limit for the Variance.

Condition	
No. 6	Approval of the variance from front setback requirements ***shall remain in effect*** *only* ***as long as a*** *City-approved* ***parking lot exists*** at 708 and 714 Randolph Avenue.
No. 7	Approval of the variance from front setback landscape requirements ***shall be for a period of 10 years***. If the applicant wishes to request an extension of time for the variance, a complete application for the extension shall be submitted prior to the expiration of the variance.
No. 8	A land use restriction, to notify future property owners of ***the time limits of the variance***, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.

The applicant is recommending that Condition of Approval No. 7, which conflicts with Condition No. 6, be deleted in its entirety. The applicant also requests that Condition No. 8 should modified to be consistent with the requirements of the time limits in remaining Condition No. 6, as follows:

> **Modified Condition No. 8**
> Land use restrictions shall be prepared, executed by the applicant(s) and the City of Costa Mesa, and recorded within 60 days of the approval of the amendment to Planning Application PA-03-15 to notify future property owners that the ***Conditional Use Permit and Variance will remain in effect until such time as the parking lot use is terminated, at which time the then current development standards shall apply to the respective properties.*** Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.

Because parking demand at the Lab creates a necessity for all 50 parking spaces, staff is recommending removal of condition of approval No.7 and amendment of condition of approval No.8 to indicate that the Variance is effective as long as the property remains a surface parking lot.

Off-site Parking for the Lab

The parking lot is necessary to allow uses with higher parking demands, i.e. restaurant uses, at the Lab. The Lab is a 32,924 square foot retail center with several food establishments that require 165 parking spaces. A total of 154 parking spaces are provided on-site. For the past ten years, the off-site parking lot adjacent to the Lab has provided supplemental parking within a reasonable distance to provide adequate parking for the variety of uses at the Lab. The property located at 708 and 714 Randolph Street is developed as a surface parking lot with a total of 50 parking spaces. These spaces are exclusively for the use of patrons of the Lab with a direct pedestrian access to the center. The 50 spaces are diagonally striped and provide adequate aisle widths in accordance with the City's Parking Design Standards. The perimeter setback areas and landscape islands are improved with native and drought tolerant plants. Staff has periodically inspected the site to ensure that the conditions of approval continue to be met.

The original staff report indicated that conditional use permit and variance were supported because of the proximity to the Lab as well as the ease of access and safety for both vehicles and pedestrians (Attachment). In considering the Variance, the greater number of parking spaces was considered a benefit to the area and the surrounding properties since the setback was consistent with other non-conforming landscaped setbacks along Randolph Avenue and allowed for more on-site parking. Conditions #4 and 5 are also being revised for specificity since the modification to the conditions of approval are being requested by the property owner's representative and not the original applicant for the CUP and Variance.

CONCLUSION

The off-site parking lot provides safe and convenient parking for the patrons of the Lab. The additional supply of parking is necessary for the number and type of uses located at the Lab. Staff recommends amending the conditions of approval to allow the Variance to remain in place as long as the surface parking lot CUP remains in place. This will avoid the need for future time extension requests for the approved Variance.

ANTONIO GARDEA
Senior Planner

JERRY GUARRACINO, AICP
Interim Assistant Director of Development Services

Attachments:
1. Planning Commission Resolution
2. Applicant's Request to Amend Conditions of Approval
3. Applicant's Time Extension Request Letter
4. Planning Commission Staff Report PA-03-15
5. Location Map

cc: Director of Economic & Development Services/Deputy CEO
Senior Deputy City Attorney
Public Services Director
City Engineer
Transportation Services Manager
Fire Protection Analyst
Staff (6)
File (2)

Hugh R. Coffin
Singer & Coffin, APC
30 Corporate Park, Suite 300
Irvine, CA 92606

Dr. Harold Cozen
1600 Cataluna Place
Palos Verdes Estates, CA 90274

Jennifer Lovelace
Community Management Corporation
709 Randolph Avenue
Costa Mesa, CA 92626

ATTACHMENT 1

RESOLUTION NO. PC-14-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING AMENDMENTS TO CONDITIONS OF APPROVAL FOR PLANNING APPLICATION PA-03-15

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

WHEREAS, on June 23, 2003, the Planning Commission approved Planning Application PA-03-15, a conditional use permit for off-site parking for the Lab located at 2930 Bristol Street and variance for a reduced landscape setback along Randolph Street for the properties located at 708 and 714 Randolph Street;

WHEREAS, the property located at 708 and 714 Randolph Street is developed as a surface parking lot and landscaping providing 50 off-site parking spaces that are safe, adequate, and convenient for the adjacent property located at 2930 Bristol Street (the Lab);

WHEREAS, the conditions of approval of Planning Application PA-03-15 stated that the approved Variance was effective for a maximum term of ten years;

WHEREAS, on June 14, 2013, the Community Management Corporation provided the Development Services Department notice of the parking lot lease agreement between the Lab and the owner of the surface parking lot located at 708 and 714 Randolph Street;

WHEREAS, on December 20, 2013 an application was filed by Hugh Coffin, authorized agent for Dr. Harold Cozen, for a time extension of Planning Application PA-03-15 A1 with respect to the real property located at 708 and 714 Randolph Avenue;

WHEREAS, on March 12, 2014, the applicant requested an amendment to the conditions of approval pertaining to the approved Conditional Use Permit and Variance (PA-03-15 A1);

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 14, 2014 with all persons having the opportunity to speak for and against the project;

WHEREAS, the request to change the conditions of approval does not change the previously-adopted findings for Planning Application PA-03-15.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit A and conditions contained in Exhibit B, the Planning Commission hereby **APPROVES** an amendment to delete condition of approval #7 and modify condition of approval #8 for Planning Application PA-03-15 omitting the ten-year expiration of the Variance and allowing the Variance to remain in effect until the property is no longer used as a surface parking lot per Conditional Use Permit PA-03-15.

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-03-15 A1. This action is also based on the evidence in the record and findings and subject to the applicant's compliance with each and all of the conditions as specified herein.

PASSED AND ADOPTED this 14th day of April 2014.

_____

Jim Fitzpatrick, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Claire Flynn, 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 March 24, 2014, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Claire Flynn, Secretary
Costa Mesa Planning Commission

EXHIBIT A

FINDINGS

A. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(1) because:

Required Finding: Because of special circumstances applicable to the property, the strict application of development standards deprives such property of privileges enjoyed by others in the vicinity under identical zoning classifications.

Response: The four-foot landscaped setback along Randolph Avenue matches the setbacks of the neighboring properties and enhances the streetscape along Randolph Avenue. The subject site is developed consistent with the majority of the surrounding properties.

Required Finding: The deviation granted shall be subject to such conditions as will assure that the deviation authorized shall not constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.

Response: The conditions of approval limit the applicability of the landscaped setback variance only as long as the property remains a surface parking lot. If and when the property is redeveloped with another use, the design shall comply with the applicable commercials standards including setbacks and perimeter landscape requirements.

Required Finding: The granting of the deviation will not allow a use, density, or intensity which is not in accordance with the general plan designation and any applicable specific plan for the property.

Response: The surface parking lot provides safe and convenient parking spaces for the patrons of the Lab. The number and size of the eating and drinking establishments is predicated on being able to provide the code required parking. A total of 154 parking spaces are provided on site and 50 spaces are provided on the subject parking lot for a total of 204 spaces. With the off-site lot, the minimum spaces required is 165 spaces for the existing uses. The surface parking lot is landscaped with native and drought tolerant plants in compliance with the City's landscape standards and parking lot lighting requirements. The parking lot design was analyzed by the Transportation Division of the City's Public Services Department and found to be functionally adequate for both vehicular and pedestrian circulation. Therefore, the existing landscaped setback is compatible with the surrounding properties and works harmoniously with the adjacent property it serves, the Lab, located at 2930 Bristol Street and allows uses in accordance with the site's general plan designation of General Commercial and the SoBECA Urban Plan.

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 15301 for Existing Facilities.

C. 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. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. 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 being 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.

2. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces, or where applicable, landscape planters shall be increased to 2' in depth to allow curbing to serve as a wheel stop.

3. The applicant shall contact the Planning Division to arrange for inspection of the site once construction is complete. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

4. The property owner or property owner's representative for the Lab, located at 2930 Bristol Street, shall be required to apply for a minor conditional use permit for any expansion of uses of existing uses or new uses proposed at the Lab if such expansion or new use would require the use of the off-site parking lot at 708 and 714 Randolph Avenue (the "Lot") to meet code parking requirements. Any minor conditional use permit for an expansion of the new use at the Lab shall contain a condition limiting the duration of the use for the expansion or the new use to the term of the lease for the Lot. The applicant shall be required to provide proof, as part of the minor conditional use permit application for the expansion of the new use at the Lab that the duration for such expansion or new use at the Lab does not exceed the lease term for the Lot. Such proof may include but is not limited to a lease and/or rental agreement. The term for any such lease or rental agreement for any expansion or new use shall be subject to approval by the City and shall also contain a provision requiring that any termination, renewal or amendment to the term of such lease be approved by the City.

5. The Lab parking lot (2930 Bristol Street) shall be re-striped to provide 154 parking spaces if the lease of 708 and 714 Randolph Avenue expires. This condition becomes null and void if the property owner of the Lab purchases the 708 and 714 Randolph Avenue lots and combines them with the 2930 Bristol Street property.

6. Approval of the variance from front setback requirements shall remain in effect only as long as a City-approved parking lot exists at 708 and 714 Randolph Avenue.

7. Land use restrictions shall be prepared, executed by the applicant(s) and the City of Costa Mesa, and recorded within 60 days of the approval of the amendment to Planning Application PA-03-15 to notify future property owners that the Conditional Use Permit and Variance will remain in effect until such time as the parking lot use is terminated, at which time the then current development standards shall apply to the respective properties. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.

Eng.

8. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and promptly remove any spillage from the public right-of-way by sweeping or sprinkling.

Police

9. A list of security recommendations has been provided by the Police Department for the applicant's consideration.

GARDEA, ANTONIO

From: Hugh Coffin, Singer & Coffin, APC <hughcoffin@hcoffinlaw.com>
Sent: Wednesday, March 12, 2014 2:49 PM
To: GARDEA, ANTONIO
Cc: 'Harold Cozen'
Subject: PA-03-15 - 708-714 Randolph

Mr. Gardea

Re: PA-03-15
708-714 Randolph Ave.
Costa Mesa, CA

The undersigned, acting as the agent for the applicant, Harold Cozen, is requesting the application for the above Planning Action be directed to and to concern only the contradiction in Condition No. 6 and Condition No. 7 as they related to the approved Variance and reflected in the Planning Commission action on June 23, 2003. The Variance conditions appear to be contradictory. The Conditional Use Permit for the parking lot use was approved and runs with the land. The Variance from the front yard setback requirement was also approved and Condition No. 6 provides the Variance runs with the land until the parking lot use is ended which is as it should be. Condition No. 7 is a 10 year sunset provision that is contradictory to Variance Condition No. 6 and also the Conditional Use Permit for the use that runs with the land.

It is requested the conflict be resolved by eliminating Condition No. 7. That would clarify the Variance will run coterminous with the Conditional Use Permit for the parking lot use and at such future time as the parking lot use is terminated, the Condition Use Permit and the Variance will cease and any future redevelopment of the property will be subject to the requirements then in effect.

If Condition No. 7 is eliminated as requested, then Condition No. 8 should also be revised to read:

> A revised land use restriction shall be prepared, executed by the applicant and the City of Costa Mesa and recorded to notify future property owners of the Conditional Use Permit and the Variance that will remain in effect until such time as the parking lot use is terminated at which time the then current land use restrictions shall apply to the property. The applicant shall provide the City with title information to identify the current property owner.

I am pasting below an email from Harold Cozen, the owner and applicant, in a blue font, requesting and consenting to the above action request. Dr. Cozen requested that I send his email to you.

Dr. Cozen's email to me this afternoon reads:

> Hugh R. Coffin
>
> Re: Parking Lot at 708-714 Randolph Ave., Costa Mesa
> Front Yard Setback Variance
>
> Mr. Antonio Gardea, Senior Planner: My agent, Hugh R. Coffin, is processing the above Planning Action PA-03-15 with respect to the time extension for the front yard variance in conjunction with the conditional use permit for the parking lot. Mr. Coffin forwarded to me the email you sent to him dated March 10th

stating that typically a variance coupled with a conditional use permit runs with the land. It was pointed out to me the conditions of approval for the variance are contradictory and condition 6 states it runs with the land and condition 7 has a 10 year sunset provision. It was and is my preference that the variance will run with the land in the same way the conditional use permit for the use runs with the land. That is, the approved variance would be in place until such time as the property is redeveloped, at which time the setback variance would be of no force or effect and all the City guidelines controlling the property that are in effect at that time would then control.

As the owner of the subject property, this is to let you know that I request the Planning Action clarify that the variance for the front yard setback shall run with the land until redevelopment of the property and I endorse that possible resolution.

Harold Cozen

Please contact me with any questions. Thank you.

Hugh R. Coffin

Hugh R. Coffin
Singer & Coffin, APC
30 Corporate Park, Suite 300
Irvine, CA 92606
(949) 863-1224
(949) 863-1179 (fax)
IMPORTANT NOTICE: This electronic or print message is intended for the use of only the individual or entity to whom or to which it is addressed. It may contain information that is confidential and/or protected from disclosure by the attorney-client privilege, joint defense privilege, the attorney work product doctrine or other applicable law. If the reader of this message is not the intended recipient (or an authorized employee or agent of the intended recipient) you are hereby notified that any distribution, copying, use or retention of this message is prohibited. If you have received this message in error, please notify the sender by return e-mail and telephone us at (949) 863-1224 and delete all copies from your inbox and all other locations it may be stored on your computer system. Thank you.

City of Costa Mesa, Development Services Department
Planning Application for Extension of Time Limit on Variance – PA-03-15
Dr. Harold Cozen, applicant

The applicant is seeking an extension of time for the variance issued in PA-03-15 to continue the ten (10) year time limited variance from front setback landscape requirements for the property designated on the City records with the address of 708 and 714 Randolph (the "Lot"). The Lot consists of two parcels, APN 418-174-03 and 418-174-04 and the Assessor lists the addresses as 700 and 710 Randolph. The City previously approved a right to develop and use the Lot to provide off-site parking for the commercial development located at 2930 Bristol Street ("The Lab"). Included within and as a part of the Planning Application PA-03-15 the City approved a variance from the front landscape setback for a period ten (10) years that expired June 29, 2013. The Lot is subject to an existing lease with The Lab for use as an off-site parking lot with a term that presently runs through September 30, 2015. It is contemplated negotiations to extend the lease for the Lot for off-site parking purposes may commence after an extension of the time limit for the variance is approved. It is necessary to extend the variance from the front yard setback requirements to successfully complete any negotiations for the extension of the use of the Lot for off-site parking for The Lab. The applicant requests an additional ten (10) years for the variance to be in effect.

The Planning Commission previously found and determined that the use of the Lot substantially complies with the Costa Mesa Municipal Code for the off-site parking. The Planning Commission further found that conditions existed to justify granting the variance from front landscape setback requirements, that the strict application of the zoning ordinance would deprive the applicant of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. The Planning Commission specifically found that denial of the variance would cause the site to be inconsistent with the setbacks of the majority of the remaining properties on Randolph Avenue. Those conditions still exist today and are justification for the granting of the requested time extension for the variance from the front landscape setback requirements. The applicant will insure that a future change of use during that period would be subject to compliance with required setbacks in the future so the parcel would not enjoy special privileges if the Lot and/or other surrounding properties are redeveloped and brought into compliance with the then current development standards. The continued deviation with respect to the elimination of the 4-foot deep front landscapes setback would not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity. The granting of the time extension on the variance will not allow a use, density or intensity of use which is not in accordance with the general plan designation for the property. The continued time limitation on the variance can allow the continued use of the Lot for off-site parking for The Lab which is a condition of its planning action PA-07-36 if the applicant and The Lab are in agreement after the end of the current lease and the applicant and The Lab agree to terms to extend the lease.

Rec'd @ P.C. ATTACHMENT 4

PLANNING COMMISSION AGENDA REPORT

MEETING DATE: JUNE 23, 2003 ITEM NUMBER: VI.2.

SUBJECT: PLANNING APPLICATION PA-03-15
708 AND 714 RANDOLPH AVENUE; 2930 BRISTOL STREET

DATE: JUNE 19, 2003

FOR FURTHER INFORMATION CONTACT: WILLA BOUWENS-KILLEEN, SENIOR PLANNER
714.754.5153

DESCRIPTION

The applicant proposes to pave, landscape, and stripe two properties adjoining the Lab for use as an off-site parking lot; a conditional use permit is required to facilitate this proposal. A variance from front landscaped setback requirements is also requested.

APPLICANT

Shaheen Sadeghi, property owner of the Lab at 2930 Bristol Street, is representing Dr. Cozen, the property owner of 708 and 714 Randolph Avenue.

RECOMMENDATION

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

WILLA BOUWENS-KILLEEN
Senior Planner

PERRY L. VALANTINE
Asst. Development Services Director

PLANNING APPLICATION SUMMARY

Location: 708 & 714 Randolph; 2930 Bristol Street Application: PA-03-15

Request: Conditional use permit to pave a vacant property for use as an off-site parking lot for the Lab, with a variance from front setback landscape requirements.

SUBJECT PROPERTY: (Randolph Avenue)

Zone CL
General Plan: General Commercial
Lot Dimensions: 170 ft. by 119 ft
Lot Area: 20,240 sq.ft.

SURROUNDING PROPERTY: (Randolph Avenue)

North: C2, The Lab
South: (Across Randolph) C2, offices
East: C2, offices
West: C2, Memphis (restaurant)

Existing Development: Vacant lot (708 and 714 Randolph Avenue) and the Lab retail development (2930 Bristol Street)

DEVELOPMENT STANDARD COMPARISON

Development Standard	Required/Allowed		Proposed/Provided		
Lot Size (Randolph Avenue properties only):					
Lot Width	120 ft.		170 ft. total		
Lot Area	6,000 sq. ft		20,240 sq ft total		
Landscape Setbacks (Randolph Avenue properties only):					
Front	20 ft.		4 ft.		
Side (left/right)	NA/NA		NA/NA		
Rear	NA		NA		
Parking:	Lab	Pking. Lot	Lab	Pking Lot	Combined
Standard/compact*	147	NA	139	57	196
Handicapped	7	NA	9	0	9
TOTAL:	154	NA	148	57	205
Interior landscaping (Randolph only)	1,425 sq. ft.		1,429 sq. ft **		
Driveway Width (one-way drive):	14 ft.		14 ft		

* Compact is legal, nonconforming. Compact parking will not be increased above existing totals
** With modifications as recommended by staff.

CEQA Status: Exempt, Class 1
Final Action: Planning Commission

Revised 7/96 PLANNING ACTION SUMMARY COML

BACKGROUND

The applicant has been informally using the gravel-surfaced Randolph Avenue properties for Lab overflow parking for several years. He now proposes to improve the lot and to credit these off-site spaces towards future uses at the Lab.

The applicant, who holds a 10-year lease on the property, proposes to install paving and landscaping on the Randolph properties. The submitted plan shows 57 standard-sized parking spaces and landscaping. The small parking lot in front of the Lab would be re-striped to replace 1 handicap and 11 standard parking spaces with 3 handicapped and 3 standard spaces and to provide one-way access to the Randolph parking lot. The required interior landscaped area can be provided on the Randolph properties with a small widening of the two middle landscape fingers A 4-foot deep front landscaped setback is shown for the new parking lot; Code requires a 20-foot deep front landscaped setback.

A conditional use permit is required because parking is the only use proposed for this property and because the applicant proposes to credit this parking towards future higher-parking uses at the Lab Additionally, a variance is necessary because the required 20-foot deep landscaped setback is not proposed.

Planning Commission continued this item from their meeting of June 9, 2003, to allow the applicant additional time to work with the City Attorney's office to formulate wording that would both protect the City while allowing the off-site parking to be credited toward permanent uses.

ANALYSIS

Conditional Use Permit

Parking required by Code is provided on the Lab property. (A deviation from shared parking requirements was approved for a theater in the back building; however, that use has been discontinued.) The applicant leased the Randolph properties because there have been occasions when additional parking was needed.

Staff supports the off-site parking lot because it abuts the site it will serve, providing direct pedestrian access without having to cross a street or another property. With the provision of a connecting driveway, the circulation of the small lot in front of the Lab will be improved. The off-site lot also allows for overflow parking, especially during the Lab's special events. However, staff is concerned with the applicant's proposal to officially credit this parking towards permanent improvements at the Lab.

The applicant's intention is to use the off-site parking for establishment of new, or expansion of existing, higher parking uses (such as restaurants) at the Lab. If higher parking uses are permitted based on the off-site parking and the lease for the parking

lot is not renewed, the additional parking required for these uses would have to be provided elsewhere. However, there is inadequate room to relocate the additional parking on the Lab site.

The City Attorney's office has prepared the language for an additional condition that would require that the approval for any uses at the Lab that would require off-site parking to meet additional parking requirements contain a provision that the use is only approved for the same period of time as the term of the lease for the parking lot. Code requires a conditional use permit when off-site parking is proposed. However, the applicant's intention is to allow future tenants using the off-site parking to be allowed under this subject permit. Because staff is concerned that there may be instances where it is desirable to process an application to ensure all parties are aware that there will be time limitations on any approvals, staff proposes that a minor conditional use permit be required for any future uses that require this off-site parking. This would allow the use to be conditioned to require the lease term of the tenants using the off-site parking not exceed the lease term for the off-site parking. Please note that even with this condition, there is still a potential for enforcement issues to occur upon termination of the parking lot lease. The additional condition is intended to reduce the risk that any uses at the Lab requiring off-site parking would continue past the term of the lease. Therefore, a recommended condition of approval to this effect is included.

Variance

The applicant proposes a 4-foot deep landscaped setback along Randolph Street. Because this constitutes the initial development of the properties, Code requires all street setbacks be landscaped; in this instance, a 20-foot deep front landscaped setback is required.

The majority of the properties on this portion of Randolph Street have substandard front landscaped setbacks, approximately 4-feet in depth. Consequently, the proposed front setback is consistent with the majority of the street. Additionally, the applicant processed a General Plan screening request to convert this portion of Randolph Avenue to a mixed-use development, containing retail, office, and residential components, such as live/work studios or artists lofts. City Council accepted the application; subsequently, staff was directed to develop a plan to encourage mixed-use development in this area of the Bristol Street corridor. At this time, special development standards have not been adopted for this area but, in staff's opinion, the required 20-foot deep landscaped setback could be inconsistent with development of a pedestrian-oriented, mixed-use zone.

The City Attorney's office has determined that conditions of approval can be applied to the requested landscape setback variance that, if approved, would limit its applicability to a specific use and time frame. Consequently, this would allow approval of a landscaped setback that reflects the majority of the current Randolph

Avenue streetscape without compromising the ability to provide a deeper setback when the property is redeveloped in the future.

Additional Discussion

The submitted plans show a 126-foot lot depth; City records show a 119-foot lot depth. (The applicant's engineer based the plan on on-site measurements.) Since the parking is not required, and the lot abuts a paved (non-parking) area of the Lab, there is flexibility to redesign the plan if necessary.

ALTERNATIVES

Planning Commission's denial of the request would prohibit use of this lot for off-site parking

ENVIRONMENTAL DETERMINATION

This project is exempt from the provisions of the California Environmental Quality Act.

CONCLUSION

Approval of the conditional use permit would allow upgrading an existing dirt and gravel lot with landscaping and paving. Use of off-site parking towards permanent uses on the Lab property can be conditioned to require the lease term of the use not exceed the lease term of the off-site parking. The reduced landscaping would be consistent with the existing streetscape and with the potential redevelopment of this area and can be conditioned to apply only to the proposed parking lot, not to future construction.

Attachments:
- Draft Planning Commission Resolution
- Exhibit "A" - Draft Findings
- Exhibit "B" - Draft Conditions of Approval
- Applicant's Project Description and Justification
- Location Map
- Plans

cc:
- Deputy City Mgr. - Dev. Svcs. Director
- Sr. Deputy City Attorney
- City Engineer
- Fire Protection Analyst
- Staff (4)
- File (2)

Shaheen Sadeghi
709 Randolph Street
Costa Mesa, CA 92626

Dr. Harold Cozen
1600 Cataluna Place
Palos Verdes Estates, CA 90274

RESOLUTION NO. PC-03-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-03-15

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

WHEREAS, an application was filed by Shaheen Sadeghi, authorized agent for Dr. Cozen, with respect to the real property located at 708 and 714 Randolph Avenue, and 2930 Bristol Street, requesting approval of a conditional use permit for off-site parking with a variance from front landscaped setback requirements in the CL and C2 zones, respectively; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 9, 2003, and June 23, 2003.

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-03-15 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-03-15 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B". 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 23rd day of June, 2003.

_____

Chair, Costa Mesa
Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Perry L. Valantine, 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 June 23, 2003, by the following votes.

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS

A. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed off-site parking 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, the off-site parking lot abuts the site it will serve and direct unhampered pedestrian access will be provided between the two sites. With the provision of a connecting driveway, the circulation of the small lot in front of the Lab will be improved. The off-site lot allows for overflow parking, especially during the Lab's special events. Granting the conditional use permit will not allow a use, density or intensity that is not in accordance with the general plan designation for the property.

B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that crediting the proposed off-site parking towards future uses at the Lab (2930 Bristol Street) 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, permanent uses approved based on the off-site parking will be subject to a minor conditional use permit and their lease terms will not be allowed to exceed that of the off-site parking.

C. The information presented substantially complies with section 13-29(g)(1) of the Costa Mesa Municipal Code in that special circumstances applicable to the property exist to justify granting of the variance from front landscape setback requirements. Strict application of the zoning ordinance would deprive the property owner of privileges enjoyed by owners of other property in the vicinity under identical zoning classification. Specifically, denial of the variance would cause the site to be inconsistent with the setbacks of the majority of the remaining properties on Randolph Avenue. Conditions of approval limiting the variance to the life of the parking lot lease will ensure that a change of use would be subject to compliance with required setbacks so this parcel would not enjoy special privileges if and/or when surrounding properties are redeveloped and brought into compliance with current development standards. The deviation shall be subject to such conditions as to assure that approval of the 4-foot deep front landscaped setback would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the property is located. Granting the variance will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.

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.

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

Plng. 1. The conditional use permit herein approved shall be valid until revoked, but shall expire upon discontinuance of the activity authorized hereby for a period of 180 days or more. 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 being 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.

2. Concrete wheel stops shall be installed 2' from the front edge of open parking spaces, or where applicable, landscape planters shall be increased 2' in depth to allow curbing to serve as a wheel stop.

3. The applicant shall contact the Planning Division to arrange for an inspection of the site once construction is complete. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.

4. Applicant shall be required to apply for a minor conditional use permit for any expansion of existing uses or new uses proposed at the Lab, located at 2930 Bristol Street, if such expansion or new use would require the use of the off-site parking lot at 708 and 714 Randolph Avenue (the "Lot") to meet code parking requirements. Any minor conditional use permit for an expansion or new use at the Lab shall contain a condition limiting the duration of the use for the expansion or the new to the term of the lease for the Lot. The applicant shall be required to provide proof, as part of the minor conditional use permit application for the expansion or new use at the Lab, that the duration for such expansion or new use at the Lab does not exceed the lease term for the Lot. Such proof may include but is not limited to a lease and/or rental agreement. The term for any such lease or rental agreement for any expansion or new use shall be subject to approval by the City and shall also contain a provision requiring that any termination, renewal or amendment to the term of such lease be approved by the City.

5. The Lab parking lot (2930 Bristol Street) shall be re-striped to provide 154 parking spaces if the applicant's lease of 708 and 714 Randolph Street expires. This condition becomes null and void if the applicant purchases the 708 and 714 Randolph Street lots and combines them with the 2930 Bristol Street property.

6. Approval of the variance from front setback requirements shall remain in effect only as long as a City-approved parking lot exists at

708 and 714 Randolph Avenue.

7. Approval of the variance from front setback landscape requirements shall be for a period of 10 years. If the applicant wishes to request an extension of time for the variance, a complete application for the extension shall be submitted prior to the expiration of the variance.

8. A land use restriction, to notify future property owners of the time limits of the variance, executed by and between the applicant and the City of Costa Mesa, shall be recorded prior to the issuance of building permits. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared

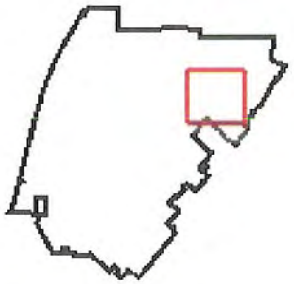
Eng. 9. Maintain the public right-of-way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public right-of-way by sweeping or sprinkling.

Police 10. A list of security recommendations has been provided by the Police Department for the applicant's consideration.

City of Costa Mesa

CITY OF COSTA MESA - [Created: 1/15/2014 10:37:51 AM] [Scale: 121.36] [Page: 8.5 x 11 / Landscape]

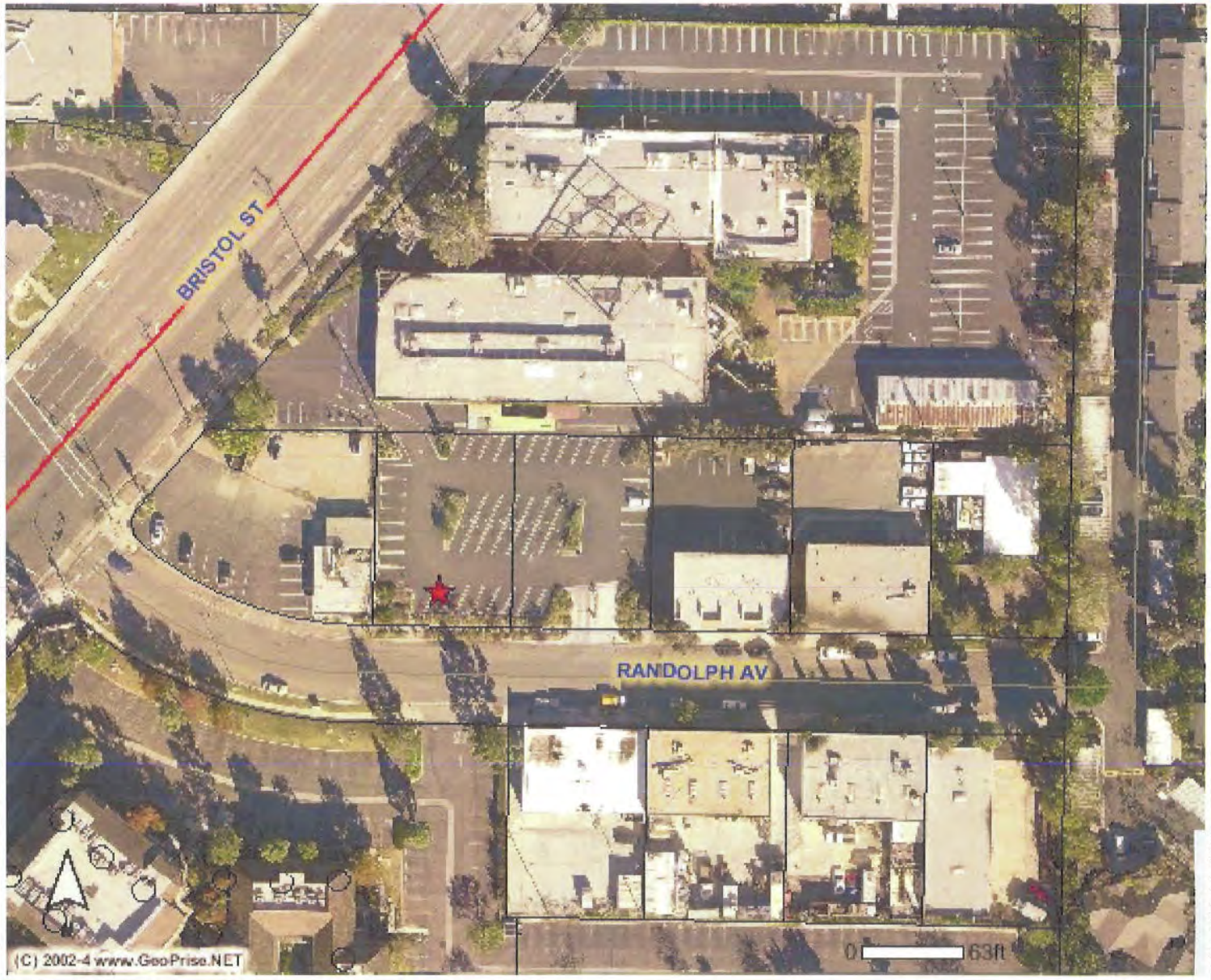
Overview Map



Legend

- Address Points
- Freeway
- Roads
- Collector
- Freeway
- Major
- Newport BLVD
- Primary
- SECONDA-RY
- Hydrolo-gy
- Channel-
- Street Names
- Street Centerlin-es
- Parcel Lines
- City Boundary
- Water Ways

Map Display



-38-

ATTACHMENT 5

(C) 2002-4 GeoPrise.net (GeoVec, Inc.) - (866)422-2505