

RESOLUTION NO. PC-07-71

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING ZONING APPLICATION
ZA-07-27**

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

WHEREAS, an application was filed by Ron Chavarria, representing William Huscroft, with respect to the real property located at 1640 Babcock Street and 1643 Placentia Avenue, requesting approval of a minor conditional use permit to expand an existing towing service impound yard in the MG zone; and

WHEREAS, on August 23, 2007, the Zoning Administrator approved Zoning Application ZA-07-27; and

WHEREAS, a request for review of the application was requested by a Commissioner on August 27, 2007; and

WHEREAS, Planning Commission held a duly noticed public hearing on September 24, 2007, and continued to October 8, 2007.

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** Zoning Application ZA-07-27 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 Zoning Application ZA-07-27 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 8th day of October, 2007.



Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, 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 October 8, 2007, by the following votes:

AYES: COMMISSIONERS: HALL, FISLER, CLARK, EGAN, RIGHEIMER

NOES: COMMISSIONERS: NONE

ABSENT: COMMISSIONERS: NONE

ABSTAIN: COMMISSIONERS: NONE



Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"**FINDINGS**

1. The minor conditional use permit to expand an existing towing service impound yard substantially complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the minor 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 proposed improvements meet or exceed all industrial development standards, all outdoor storage of vehicles will be screened from both Babcock Street and Placentia Avenue, and all business activity and truck access will occur from Placentia Avenue only to provide buffer from the proposed mixed-use development across Babcock Street to the west. Granting the minor conditional use permit will not allow a use, density or intensity, which is not in accordance with the General Plan designation for the property.
2. The proposed project, as conditioned, complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the building, parking area, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - c. The project is consistent with the General Plan designation of Light Industry, which is intended for a variety of light and general industrial uses. Access to the site is also provided in a manner that directs traffic away from more sensitive uses proposed across Babcock Street to the west.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.
3. 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 15332 for In-Fill Development Projects.
4. 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. This approval and all conditions supersede ZA-00-55.
 2. All customer, employee, and tow truck access shall be from Placentia Avenue only. The gate along Babcock Street shall remain closed at all times and be used for emergency vehicle access only and for the exiting of empty big rig tow trucks from the site that cannot otherwise exit the access gate on Placentia Avenue because of turning radius issues.
 3. A minimum 6 ft. high decorative block wall shall be provided along Babcock Street and solid gates on both street frontages. This condition shall be completed under the direction of the Planning Division.
 4. The office business hours shall be from 8 a.m. to 5 p.m., 7 days a week; provided, however, the foregoing sentence shall not be deemed to prohibit the site operator from releasing vehicles, receiving vehicles or dispatching tow trucks to and from the site 24 hours a day, seven days a week.
 5. The security gate along Placentia Avenue shall be located in a manner to allow access for customers to the parking lot on a 24-hour basis.
 6. Security lighting shall be provided under the direction of the Planning Division.
 7. Incorporate additional architectural interest to the building (roof pitch/angle, variation in architectural features/materials, etc.). As part of the plan check submittal package, provide detailed elevations with a color and material sample board for Planning Division review and approval prior to issuance of building permits.
 8. The site shall be used for storage of vehicles for the towing business only. No other work including, but not limited to, repair and dismantling shall be conducted on-site except for repair and maintenance of the tow trucks used in the operation of the towing business. All repair and maintenance work shall be conducted inside the building only.
 9. No motor vehicle sales or auctions of any type may occur at this property unless a conditional use permit is granted for that purpose.
 10. All towed vehicles and tow trucks, when not in use, shall be stored behind the block wall and gates and shall not block access to required customer parking areas.
 11. All vehicles or trucks accessing or exiting the site shall do so in a forward motion; backing onto the site from a public street and backing out of the site onto a public street shall be prohibited.
 12. Towed vehicles and tow trucks, when not in use, shall not be parked or stored on a public street or any other property in violation of the Costa Mesa Municipal Code (CMMC).
 13. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting

property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.

14. Transformers, backflow preventers, and any other above-ground utility improvements, shall be located outside of the required street setback area and shall be screened from view, under the direction of Planning staff.
15. The conditions of approval and Code requirements of minor conditional use permit ZA-07-27 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
16. The applicant shall contact the Planning Division to arrange for a Planning inspection of the site prior to the release of occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
17. The minor conditional use permit herein approved shall be valid until revoked. The minor conditional use permit may be referred to the Zoning Administrator for modification or revocation at any time if the conditions of approval have not been complied with, if the use is 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. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
18. A copy of the conditions of approval for the minor conditional use permit must be kept on premises and presented to any authorized City official upon request. New business/property owners shall be notified of conditions of approval upon transfer of business or ownership of land.
19. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the property owner and authorized agent for reference.
- Eng. 20. 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.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

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| Bus.
Lic. | 1. | All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained. |
| Plng. | 2. | Approval of the zoning application is valid for one (1) year and will expire at the end of that period unless building permits for the construction authorized by the application are obtained and construction commences, or the applicant applies for and is granted an extension of time. A written request for an extension of time must be received by Planning staff prior to the expiration of the planning action. |
| | 3. | Street addresses shall be displayed on the freestanding sign or, if there is no freestanding sign, on the fascia or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than 3/4" stroke and shall contrast sharply with the background. |
| | 4. | All on-site utility services shall be installed underground. |
| | 5. | Parking stalls shall be double-striped in accordance with City standards. |
| | 6. | Installation of all utility meters shall be performed in a manner so as to obscure the installation from view from any place on or off the property. The installation shall be in a manner acceptable to the public utility and shall be in the form of a vault, wall cabinet, or wall box under the direction of the Planning Division. |
| | 7. | Any mechanical equipment such as air-conditioning equipment and duct work shall be screened from view in a manner approved by the Planning Division. |
| | 8. | Two (2) sets of detailed landscape and irrigation plans, which meet the requirements set forth in Costa Mesa Municipal Code Sections 13-101 through 13-108, shall be required as part of the project plan check review and approval process. Plans shall be forwarded to the Planning Division for final approval prior to issuance of building permits. |
| | 9. | Two (2) sets of landscape and irrigation plans, approved by the Planning Division, shall be attached to two of the final building plan sets. |
| | 10. | Landscaping and irrigation shall be installed in accordance with the approved plans prior to final inspection or occupancy clearance. |
| | 11. | All landscaped areas shall be separated from paved vehicular areas by 6" high continuous Portland Cement Concrete curbing. |
| | 12. | Construction, grading, materials delivery, equipment operation or other noise-generating activity shall not occur between the hours of 8 p.m. and 7 a.m., Monday through Friday, nor between the hours of 7 p.m. and 8 a.m., on Saturday, Sunday, and Federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work. |
| Bldg. | 13. | Comply with the requirements of the California Code of Regulations, |

Title 24, also known as the California Building Standards Code, as amended by the City of Costa Mesa.

14. Submit grading, drainage, and erosion control plan as part of the plan check submittal package.
15. Prior to issuance of any building permits, applicant shall submit a Water Quality Management Plan (WQMP) that identifies the application and incorporation of those routine structural and non-structural Best Management Practices (BMPs) outlined in the countywide National Pollution Discharge Elimination System (NPDES) Drainage Area Management Plan (DAMP), Appendix G. The WQMP shall detail implementation of BMPs not dependent on specific land uses, for review and approval by the Development Services Department.
- Trans 16. Relocate street light and associated underground power in accordance with Southern California Edison requirements. New location of street light shall be 2' from "top of X" at the south side of the new drive approach.
17. Close unused drive approaches on Placentia Avenue and on Babcock Street with full height curb, gutter, and sidewalk to match existing.
18. Specify location of security gate a minimum of 40' from property line.
19. Provide details of how gate will slide to fully clear a 20' minimum driveway width.
- Eng. 20. A Construction Access Permit and deposit of \$500 will be required by City of Costa Mesa, Engineering Division prior to start of any on-site work, necessary during construction for street sweeping and to guarantee replacement costs in case of damage to existing public improvements.

SPECIAL DISTRICT REQUIREMENTS

The requirements of the following special districts are hereby forwarded to the applicant:

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| CDFA | 1. | Comply with the requirements of the California Department of Food and Agriculture (CDFA) to determine if red imported fire ants exist on the property prior to any soil movement or excavation. Call CDFA at (714) 708-1910 for information. |
| AQMD | 2. | Applicant shall contact the Air Quality Management District (AQMD) at (800) 288-7664 for potential additional conditions of development or for additional permits required by AQMD. |
| Sani. | 3. | Developer shall contact the Costa Mesa Sanitary District at 949.645.8400 for current district requirements. |



PLANNING COMMISSION AGENDA REPORT

VI.2

MEETING DATE: OCTOBER 8, 2007

ITEM NUMBER:

SUBJECT: REVIEW OF ZONING APPLICATION ZA-07-27
1640 BABCOCK STREET AND 1643 PLACENTIA AVENUE

DATE: SEPTEMBER 26, 2007

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER 714.754.5136

DESCRIPTION

Review of Zoning Administrator's approval of a minor conditional use permit (MCUP) to expand an existing towing service impound yard.

APPELLANT/APPLICANT

Commissioner Sam Clark filed the review request. Ron Chavarria of VR Mason is representing the property owner, William Huscroft.

RECOMMENDATION

Uphold, reverse, or modify Zoning Administrator's approval of the request by adoption of Planning Commission resolution.


WENDY SHIH
Associate Planner


KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The site is located mid-block between West 16th Street and West 17th Street with frontage on Babcock Street and Placentia Avenue. It is zoned MG (General Industrial) with a General Plan designation of Light Industry. It is currently surrounded by industrially zoned and developed properties.

On March 26, 2001, Planning Commission approved, on appeal, Minor Conditional Use Permit (MCUP) ZA-00-55 for an automobile towing service impound yard at the site. The approval consisted of site improvements for vehicle storage on the half of the property fronting Babcock Street with vehicle access only from Babcock Street. The remaining portion of the lot, which fronts on Placentia Avenue, is currently unimproved and vacant (formerly storage site for historical Huscroft items). The approval is for storage of impounded vehicles only. No storage of wrecked or dismantled vehicles, repair, or dismantling work is permitted.

On August 23, 2007, the Zoning Administrator approved the applicant's request to expand the existing towing service impound yard to the remaining portion of the lot. Two responses in opposition to the request were received. On August 27, 2007, Commissioner Clark requested a review of the project by the Commission.

The subject application was originally scheduled for the September 24, 2007 Planning Commission meeting, but was continued to this meeting so the project applicant's legal counsel could attend the meeting. A request to modify several of the conditions of approval were received from the project applicant's attorney, William Devine, on September 24, 2007, and are discussed later in this report.

ANALYSIS OF PROJECT

The proposed physical and operational changes to the existing tow yard include the following:

1. Concrete paving on unimproved area;
2. Construct a 1,920 square-foot building, provide 6 required customer parking spaces behind the building, and landscape improvements along Placentia Avenue;
3. Increase landscape setback from 10 feet to 20 feet along Babcock Street and add landscape planter along south side of existing driveway;
4. Decorative block wall along Babcock Street;
5. Babcock Street entrance to be used for emergency vehicle access only;
6. Placentia Avenue to be used for all customer and truck entry onto the site; and
7. Storage of wrecked or dismantled vehicles to qualify for contract with the Police Department.

The proposal meets and/or exceeds all industrial development standards. Both Babcock Street and Placentia Avenue frontages would be improved with additional landscaping and on-site improvements. All business activities/truck access would also change from Babcock Street to Placentia Avenue only, which is one of the City's major industrial corridors.

Other Issues

The property is located within the Mesa West Bluffs Urban Plan area, which is an overlay zone that encourages visual enhancement and the development of live-work units or residential development. The overlay zone, when activated through an approved master plan, would supersede the underlying industrial zoning district. The City is currently processing a master plan application for the approximately 7-acre property across Babcock Street to the west, at 1640 Monrovia Avenue, for a mixed-use (residential, live/work, and industrial office) development.

The applicant's proposal does not activate the Mesa West Bluffs Urban Plan regulations. However, staff believes the project would not negatively affect the long-term goals of the urban plan due to limited site improvements. Staff considered the proposed mixed-use project at 1640 Monrovia Avenue and included conditions restricting access on Babcock Street for emergency vehicles only and requiring increased landscaping and block wall to provide both visual and noise buffers at the street level.

Requested Modifications of Conditions of Approval

The Zoning Administrator approved ZA-07-27 with 20 conditions of approval to ensure that the proposal does not negatively impact surrounding properties. Two of the conditions were inadvertently excluded from the previous agenda report. These conditions (11 and 12) are now included in Exhibit "B" of the staff report.

The applicant's attorney submitted a letter on September 24, 2007, voicing concerns with conditions of approval numbers 2, 4, 8 and 9; these concerns and staff's responses are as follows:

Condition 2

All customer, employee, and tow truck access shall be from Placentia Avenue only. The gate along Babcock Street shall remain closed at all times and be used for emergency vehicle access only.

Requested Modification

Delete or modify condition to allow exit only for tow trucks on Babcock Street.

Staff Response

No change to this condition. It is staff's opinion that since the site is located within the Mesa West Bluffs Urban Plan area and a mixed-use development is proposed across Babcock Street at 1640 Monrovia Avenue, this condition needs to be included for the proposed expansion and intensification of the towing business to ensure minimal impact on anticipated development in the area. The business currently uses only Babcock Street for access. The applicant would need to arrange the on-site configuration (i.e., reduction of vehicle storage area) in such a way that it would allow all vehicles to enter and exit from Placentia Avenue only.

Condition 4

The office business hours shall be from 8 a.m. to 5 p.m., 7 days a week.

Requested Modification

The office business hours shall be from 8 a.m. to 5 p.m., 7 days a week; ***provided, however, the foregoing sentence shall not be deemed to prohibit the site operator from releasing vehicles, receiving vehicles or dispatching tow trucks to and from the site 24 hours a day, seven days a week.***

Staff Response

Accept requested modification. The normal business hours when majority of the customer and truck access to the site occurs are between 8 a.m. and 5 p.m. Staff is aware that this is a 24-hour business where on occasion vehicles need to be released to customers after 5 p.m. As discussed in the previous condition, all access would occur from Placentia Avenue only, minimizing impact on the future mixed-use development across Babcock Street.

Condition 8

The site shall be used for storage of vehicles for the towing business only. No other work including, but not limited to, repair and dismantling shall be conducted on-site.

Requested Modification

The site shall be used for storage of vehicles for the towing business only. No other work including, but not limited to, repair and dismantling shall be conducted on-site ***except for repair and maintenance of the tow trucks used in the operation of the towing business.***

Staff Response

Accept requested modification. It is staff's opinion that repair and maintenance of tow trucks will not negatively impact surrounding uses since it does not increase customer traffic to the site. Staff recommends a modification to require all repair and maintenance work to be conducted inside the building only.

Condition 9

No motor vehicle sales or auctions of any type may occur at this property.

Requested Modification

Delete or modify condition to allow towed vehicle auctions.

Staff Response

The requested modification has been forwarded to the City Attorney's office for review. A supplemental memo or a verbal response will be provided for the Planning Commission meeting.

ALTERNATIVES

Should Planning Commission uphold Zoning Administrator's approval of Zoning Application ZA-07-27, the site may be improved and used as proposed, subject to conditions.

Should the Planning Commission reverse the Zoning Administrator's decision and deny the application, the applicant may not expand the existing towing service impound yard. The business may continue to operate under the existing MCUP (ZA-00-55).

ENVIRONMENTAL DETERMINATION

The project is exempt from the provisions of the California Environmental Quality Act under Section 15332 for In-Fill Development Projects.

CONCLUSION

It is staff's opinion that the proposed expansion, subject to conditions, will not negatively impact surrounding properties. The proposal meets all industrial development standards, all outdoor storage of vehicles will be screened from the streets, and all business activity and truck access will occur only from Placentia Avenue to buffer the use from the proposed mixed-use development across Babcock Street to the west.

Attachments: Draft Resolution Including Exhibits "A" and "B"
 Correspondence Dated September 24, 2007

Review Application Form
Zoning/Location Map
Aerial Photograph
Plans
Zoning Administrator's Approval Letter

cc:

Deputy City Manager - Dev. Svcs.
Deputy City Attorney
City Engineer
Fire Protection Analyst
Staff (4)
File (2)

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