CITY COUNCIL AGENDA REPORT

MEETING DATE: NOVEMBER 15, 2005 ITEM NUMBER:

SUBJECT APPEAL OF PLANNING APPLICATION PA-05-30
(SIX MONTH TIME EXTENSION FOR PA-94-24 AND PA-04-12)
BRISTOL STREET MINI-STORAGE 1100 BRISTOL STREET

DATE: NOVEMBER 3, 2005

FROM: DEVELOPMENT SERVICES DEPARTMENT/PLANNING DIVISION

PRESENTATION BY: WENDY SHIH, ASSOCIATE PLANNER

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714) 754-5136

RECOMMENDATION:

Conduct a public hearing and adopt a resolution to uphold, reverse, or modify the Planning Commission's decision to deny PA 05-30.

BACKGROUND:

In 1994, the County of Orange offered the subject property for public lease. Subsequently, the Costa Mesa Planning Commission approved a conditional use permit for a temporary mini-storage facility with a ten year expiration date coinciding with the ground lease. Given the temporary nature on leased land, the City approved concessions not normally allowed in mini-storage facilities (i.e. temporary metal shipping containers, lack of on-site paving, etc.). Without a ten year expiration date, in staff's opinion, the concessions would not have been granted.

The original 1994 staff report acknowledged that the use was temporary and included condition of approval no. 6, which set the CUP term at 10 years. Staff sent letters dated May 18, 2001, and July 20, 2004, to the County indicating our position that we would not support an extension of the conditional use permit. A landscape plan approved on March 11, 2003, also indicates that approval "does not constitute any future approvals of the continuation of the use past the expiration date". Copies of these letters and plan approval are attached for Council reference.

The City did approve another mini-storage facility (Extra Storage located at 1250 Bristol St.) in 1996. However, the City required construction of a high quality, permanent building facility with finished quality exteriors (including decorative artwork elevations), paved driveways, and landscaping, complementary with other new building in the area, most notably a new office development at 1120 to 1124 Bristol Street.

On October 18, 2005, the City Council continued this item to your November 15, 2005, meeting. The original staff report, with revised resolutions, is attached for reference. The City Attorney's Office prepared an additional response under a separate report.

WENDY SHIH
Associate Planner

DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

Attachments:
- Letters to County
- Original City Council Agenda Report
- Zoning/Location Map
- Plans
- Photo Exhibit
- Draft City Council Resolution
- Exhibit "A" – Draft Findings
- Exhibit "B" – Draft Conditions of Approval
- Appeal Application
- Minutes of Planning Commission meeting of August 22, 2005
- Planning Division Staff Report with Supplemental Information
- Planning Commission Resolution
- Exhibit "A" – Findings
- Exhibit "B" - Conditions

DISTRIBUTION:
- City Manager
- City Attorney
- Public Services Director
- City Clerk (2)
- Staff (4)
- File (2)

Lee Jamieson
BSMS
P.O. Box 82515
Bakersfield, CA 93380

County of Orange
Resources & Development Management Dept.
Attn: Jack Stribling, Real Estate Services
300 N. Flower Street
Santa Ana, CA 92702

File: 111505PA0530Appeal	Date: 110205	Time: 3:15 p.m.

CITY OF COSTA MESA

CALIFORNIA 92628-1200 P.O. BOX 1200

DEVELOPMENT SERVICES DEPARTMENT

May 18, 2001

Neal Warren, Chief
Acquisitions and Management Group
Public Facilities and Resources Division
County of Orange
PO Box 4048
Santa Ana, California 92702-4048

SUBJECT: 1100 BRISTOL STREET, COSTA MESA

Dear Mr. Warren:

This letter is a follow-up to our telephone conversation in March of this year, regarding County-owned property located at 1100 Bristol Street in Costa Mesa.

The approximately 6.2-acre site is currently occupied by an Instant Storage facility, which received a conditional use permit (CUP) from the City of Costa Mesa in April 1994. The CUP (case number PA-94-24) was approved for a 10-year period, and expires on April 24, 2004. The 10-year term was designed to coincide with the 10-year lease which the operator had received from the County.

Although the operator may apply for an extension of the CUP if he is successful in extending his lease with the County, the purpose of this letter is to advise you that the City of Costa Mesa Planning Division will not support such a request. Bristol Street has seen many improvements since 1994, and it is our opinion that the storage facility is no longer compatible with existing and planned developments in the area. Viewed from the adjacent freeway transition roads, the site presents an uninteresting view of the tops of storage containers with no interior landscaping or other relief from the metal roofs and dirt/gravel road surfaces. Given the nature and quality of newer developments constructed or approved on other parcels in the vicinity, the storage facility is not consistent with what is desired on one of Costa Mesa's major commercial arteries.

In addition to advising you of the City's position on extension of the use beyond its initial 10-year term, I would also like to express our disappointment in the level of attention given to the property's impact on the streetscape. Among other concerns

is the fact that, seven (7) years after its initial installation, ground cover has still not filled in the front setback area; trees and shrubs are also sparse and/or neglected.

If you have any questions about our position, or if you wish to discuss future use or disposition of the property, feel free to call me at (714) 754-5609.

Sincerely,

PERRY L. VALANTINE
Assistant Development Services Director

c: Donald D. Lamm, Deputy City Manager - Development Services

CITY OF COSTA MESA

P.O. BOX 1200 • 77 FAIR DRIVE • CALIFORNIA 92628-1200

DEVELOPMENT SERVICES DEPARTMENT

July 20, 2004

CERTIFIED MAIL – RRR

Mr. Herb Nakasone
Director of Public Works/Chief Engineer
County of Orange
Resources & Development Management Department
P.O. Box 4048
Santa Ana, CA 92702-4048

SUBJECT: FLOOD CONTROL PARCELS F01-311.1 AND 311.2
1100 BRISTOL STREET, COSTA MESA

Dear Mr. Nakasone:

First, let me congratulate you on your recent promotion to Director of Public Works/Chief Engineer for the County. Word travels slowly to some of us, and I only today became aware of Ken Smith's retirement and your appointment.

I wanted to bring to your attention a matter that is of considerable concern to the City of Costa Mesa. On April 25, 1994, the Costa Mesa Planning Commission approved a limited-term conditional use permit (CUP) for a mini-storage facility on the above-referenced, County-owned property. The CUP was approved for a 10-year period, to expire on April 25, 2004. On April 12, 2004, the Planning Commission extended the CUP to September 1, 2004, to coincide with the term of the County lease.

The purpose of my letter is to ensure that you are aware of the upcoming expiration of the CUP, and to express the City's concern in that we have not seen any evidence that the business is winding down its operations. Since the CUP expires on September 1, 2004, we will expect to see business operations shut down on or before that date, with removal of storage containers and other improvements – with the exception of the front landscaped setback and block wall – to be completed shortly thereafter.

Because of the nature of the use and improvements on the site, its significant visibility from Bristol Street as well as the connector from N/B SR55 to E/B SR73, and the continued improvement of the area due to street improvements and new construction on other properties in the area, the City is not interested in considering further extension of the CUP.

Building Division (714) 754-5273 • Code Enforcement (714) 754-5623 • Planning Division (714) 754-5245
FAX (714) 754-4856 • TDD (714) 754-5244 • www.ci.costa-mesa.ca.us

If you have any questions about the City's position or expectations, or if you would like further background on the subject, please feel free to call me at (714) 754-5609.

Sincerely,

PERRY L. VALANTINE
Assistant Development Services Director

cc: Don Lamm, Deputy City Manager – Dev. Svs. Dir.

Jack Stribling, Real Property Division
County of Orange
Resources & Development Management Department
P.O. Box 4048
Santa Ana, CA 92702-4048

Lee Jamieson
Jaco Oil Company
3101 State Road
Bakersfield, CA 93308

MATCH LINE

landscape plans

APPROVED

CITY OF COSTA MESA
PLANNING DIVISION
SUBJECT TO BLDG. DEPT. REG.

NOTE: ADDITIONS, DELETIONS, OR CORRECTIONS SHALL BE APPROVED BY THE PLANNING DIV.

BY: UBu DATE: 3/11 '03

approval of landscape plans does not constitute any future approvals of the continuation of the use past the expiration date

ID

MINIMUM CONTAINER SIZE	MINIMUM PLANT SIZE (SEE NOTE B)	MAXIMUM SPACING	DETAIL	ESTIMATED QUANTITY (CONFIRM)
24" BOX	1 1/4" CALIPER (SEE NOTE B)	AS SHOWN	1/L2	28 EACH
24" BOX	1 1/4" CALIPER (SEE NOTE B)	AS SHOWN	1/L2	6 EACH
B & B	8' BROWN TRUNK	AS SHOWN	2/L2	6 EACH
5 GALLON	14" TALL (SEE NOTE B)	24" O.C.	3/L2	100 EACH
5 GALLON	30" TALL (SEE NOTE B)	24" O.C.	3/L2	4 EACH
5 GALLON	24" TALL (SEE NOTE B)	5' O.C.	3/L2	89 EACH
5 GALLON	18" TALL (SEE NOTE B)	18" O.C.	3/L2	526 EACH
15 GALLON	30" TALL (SEE NOTE B)	AS SHOWN	3/L2	108 EACH

7

LICENSED LANDSCAPE ARCHITECT
MESS W. STRYKER NO 2748
Signature
December 31, 2003
Renewal Date
11-8-03
Date
STATE OF CALIFORNIA

INSTANT STORAGE
1100 Bristol
Costa Mesa

CITY COUNCIL AGENDA REPORT

MEETING DATE: SEPTEMBER 20, 2005 ITEM NO:

SUBJECT: **APPEAL OF PLANNING APPLICATION PA-05-30 (SIX-MONTH TIME EXTENSION FOR PA-94-24 AND PA-04-12) 1100 BRISTOL STREET**

DATE: **SEPTEMBER 8, 2005**

FROM: **DEVELOPMENT SERVICES DEPARTMENT – PLANNING DIVISION**

PRESENTATION BY: **WENDY SHIH, ASSOCIATE PLANNER**

FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER (714)754-5136

RECOMMENDED ACTION

Conduct a public hearing and adopt resolution to either uphold, reverse, or modify Planning Commission's decision.

BACKGROUND

At their meeting of August 22, 2005, by a vote of 3 to 2 (Donn Hall and James Fisler voted no), Planning Commission denied Planning Application PA-05-30 to allow a time extension for a previously approved conditional use permit for outdoor storage of recreational vehicles and a mini-storage facility. Commission gave the applicant six months (until March 1, 2006) to vacate the property. On August 25, 2005, Lee Jamieson, owner of Bristol Street Mini Storage (BSMS), appealed the decision because "we ask that the appeal can be heard so that 800 plus people and businesses can again express their desire to have our business continue at the location after 10 years of serving the community".

ANALYSIS

In 1994, the County made the property available for lease for a 10-year period. On April 25, 1994, the Planning Commission approved a conditional use permit (CUP) for a temporary mini-storage facility on the property; however, the CUP would expire on April 25, 2004. On April 12, 2004, the Planning Commission approved the applicant's request to extend the CUP to September 1, 2004, to coincide with the expiration date of the County lease. On August 23, 2004, the Planning Commission granted a further time extension to expire on September 1, 2005, to allow the County of Orange sufficient time to complete a RFB (Request for Bids) process. Bristol Street Mini Storage (BSMS) currently operates pursuant to a month-to-month rental agreement.

Planning Commission denied the latest CUP extension because a number of new developments have been built in the area since the CUP's original approval in 1994.

Commission found that a storage yard comprised of cargo shipping containers is no longer compatible with the area. When Planning Commission approved the one-year time extension in August 2004, it was based on the understanding that the County would accept RFBs in mid-October and a lease could be awarded by the first quarter of this year. The most recent CUP expiration date of September 1, 2005, would have allowed the new lease holder time to secure any necessary permits from the City before the final lease would be signed when BSMS was to vacate the site. However, according to the County's latest RFB schedule, the property will not be offered for public bid until December 2005, and the County cannot guarantee that the site would be leased to a different tenant.

ALTERNATIVES CONSIDERED

If the Planning Commission's decision is upheld, the storage use must vacate by March 1, 2006.

If the Planning Commission's decision is overturned, the County could continue to lease the property to BSMS until March 1, 2006, and would be required to vacate by March 1, 2006, when the permit expires, unless the applicant is granted another time extension prior to the expiration date.

FISCAL REVIEW

Fiscal review is not required.

LEGAL REVIEW

Legal review is not required.

ENVIRONMENTAL REVIEW

Pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA) Guidelines, this project is exempt from CEQA.

CONCLUSION

Planning Commission found that the storage facility is no longer compatible with, and does not contribute to, the overall appearance of the area and denied the requested extension of time.

WENDY SHIH
Associate Planner

DONALD D. LAMM, AICP
Deputy City Mgr. – Dev. Svs. Director

Attachments: Aerial/Location Map
Site Plan
Draft City Council Resolution
Exhibit "A" – Draft Findings
Exhibit "B" – Draft Conditions of Approval
Appeal Application
Minutes of Planning Commission meeting of August 22, 2005
Planning Division Staff Report with Supplemental Information
Planning Commission Resolution
Exhibit "A" – Findings

Distribution: City Manager
Assistant City Manager
Acting City Attorney
Public Services Director
City Clerk (2)
Staff (4)
File (2)

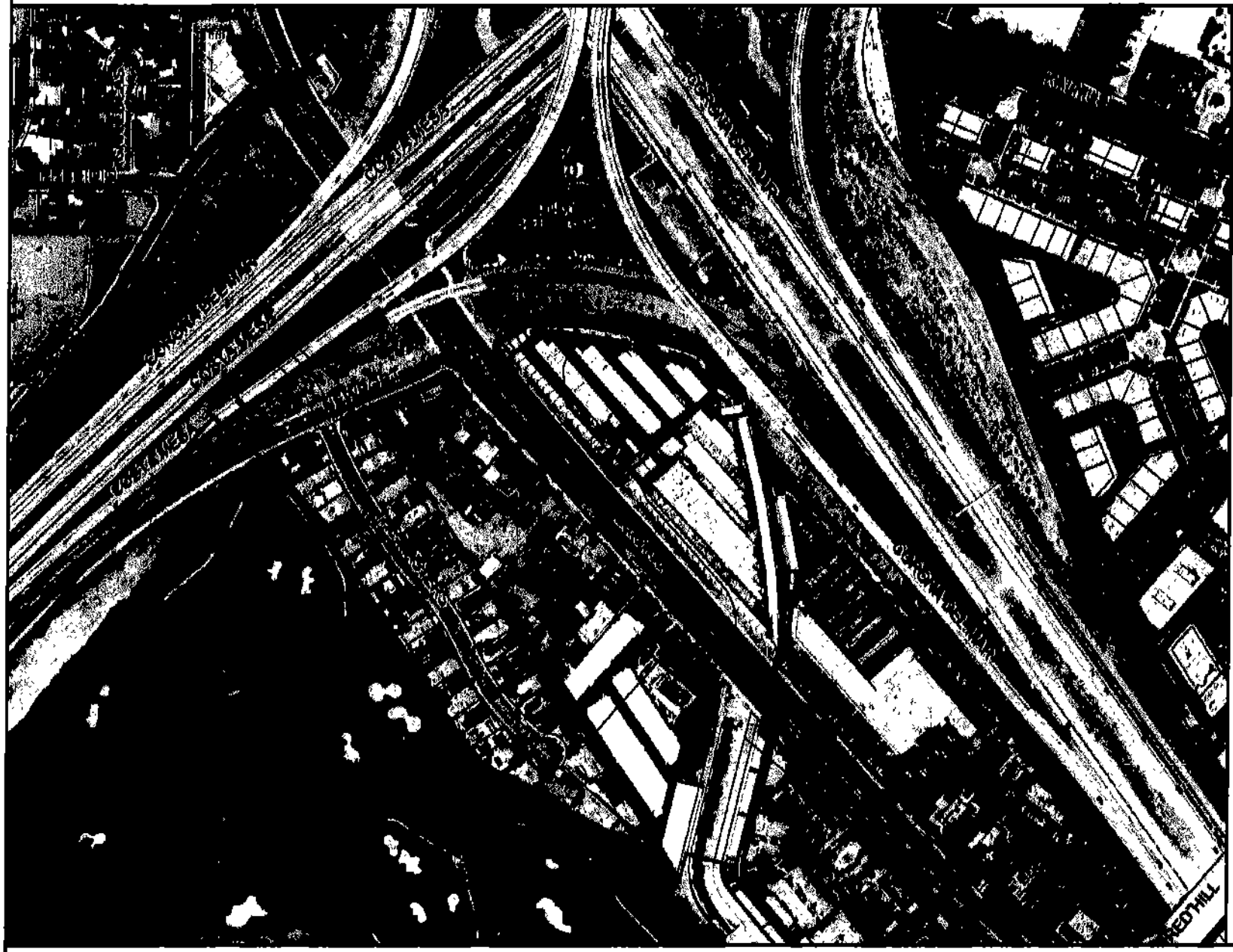
Lee Jamieson
P.O. Box 82515
Bakersfield, CA 93380

County of Orange
Resources and Development Management Dept.
Attn: Jack Stribling, Real Estate Services
300 N. Flower St.
Santa Ana, CA 92702

File: 092005PA0530Appeal	Date: 090805	Time: 1:30 p.m.

AERIAL PHOTOGRAPH

1100 Bristol Street



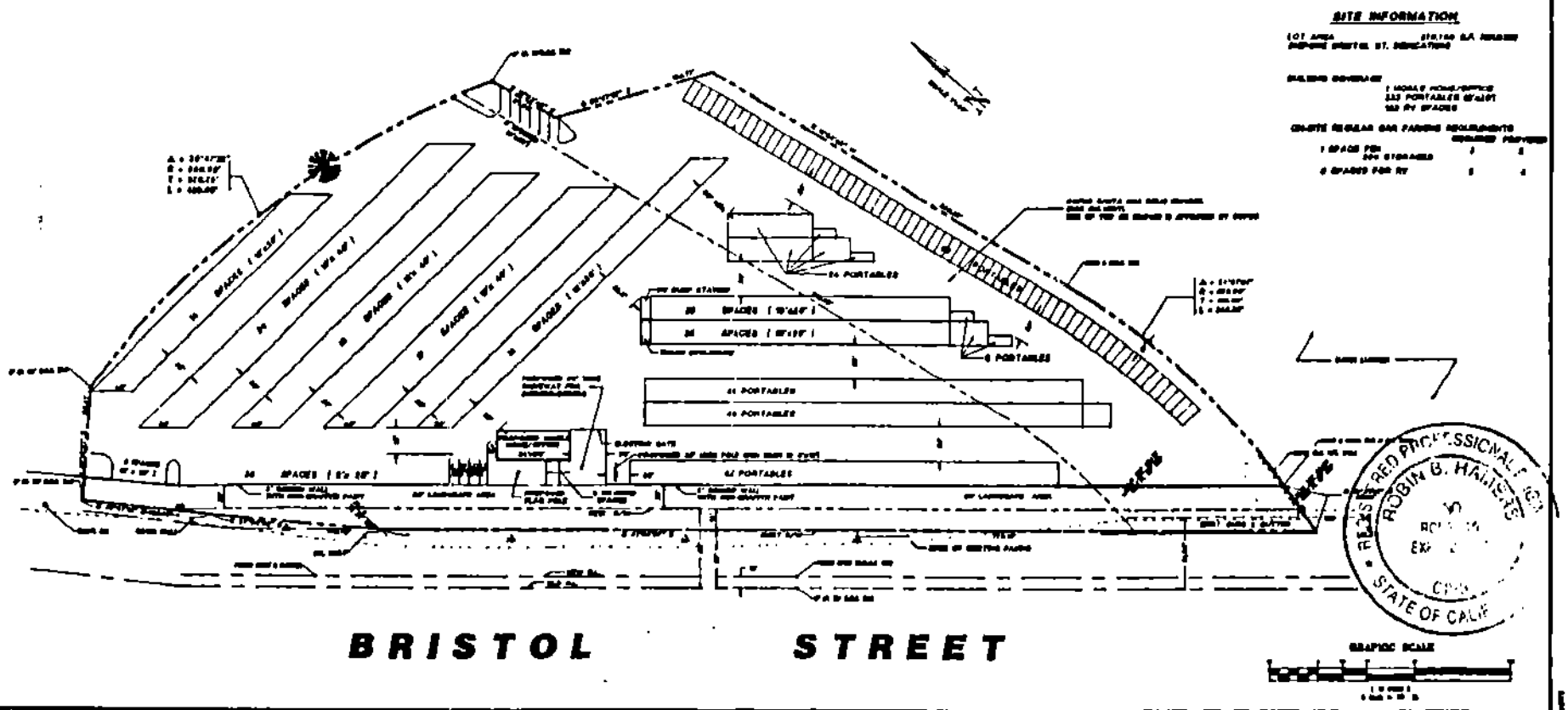
Legend

- Street Names
- Parcel Lines
- City Boundary
- Ortho Photography
- Parcels

Printed: 8/9/2004 9:04:48 AM

Powered By GeoSmart.net

SITE PLAN
BRISTOL STREET
INSTANT RV & MINI STORAGE



NO.	DATE	DESCRIPTION

APPLICANT:
INSTANT STORAGE

PROPERTY OWNER:
ORANGE COUNTY FLOOD CONTROL DISTRICT

PREPARED BY
ROBIN B. HANSEN & ASSOC., INC.

SITE PLAN
BRISTOL STREET
INSTANT RV & MINI STORAGE
COSTA MESA

1

14.

PA-94-24

PA-05-30

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-05-30

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Bristol Street Mini Storage, LLC, representing County of Orange, owner of real property located at 1100 Bristol Street, requesting an extension of time for a previously approved conditional use permit for outdoor storage of recreational vehicles and a mini-storage facility from September 1, 2005, to March 1, 2006, within the C2 (General Commercial) zone; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 22, 2005, and PA-05-30 was denied by Planning Commission; and

WHEREAS, the item was appealed by Lee Jamieson of Bristol Street mini Storage, LLC, to the City Council on August 25, 2005; and

WHEREAS a duly noticed public hearing was held by the City Council on September 20, 2005, and continued to November 15, 2005;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **DENIES** Planning Application PA-05-30 with respect to the property described above.

PASSED AND ADOPTED this 15th day of November 2005.

_____
Mayor of the City of Costa Mesa

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-05-30

THE CITY COUNCIL OF THE CITY OF COSTA MESA HEREBY RESOLVES AS FOLLOWS:

WHEREAS, an application was filed by Bristol Street Mini Storage, LLC, representing County of Orange, owner of real property located at 1100 Bristol Street, requesting an extension of time for a previously approved conditional use permit for outdoor storage of recreational vehicles and a mini-storage facility from September 1, 2005, to March 1, 2006, within the C2 (General Commercial) zone; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on August 22, 2005, and PA-05-30 was denied by Planning Commission; and

WHEREAS, the item was appealed by Lee Jamieson of Bristol Street Mini Storage, LLC., to the City Council on August 25, 2005; and

WHEREAS a duly noticed public hearing was held by the City Council on September 20, 2005, and continued to November 15, 2005;

NOW, THEREFORE, BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the City Council of the City of Costa Mesa hereby **APPROVES** Planning Application PA-05-30 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council 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-05-30 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 15th day of November, 2005.

_____
Mayor of the City of Costa Mesa

ATTEST:

_____
Deputy City Clerk of the City of Costa Mesa

STATE OF CALIFORNIA)
COUNTY OF ORANGE)ss
CITY OF COSTA MESA)

I, Julie Folcik, Deputy City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, do hereby certify that the foregoing Resolution was duly and regularly passed and adopted by the said City Council at a regular meeting thereof held on the 15th day of November 2005.

_____
Deputy City Clerk and ex-officio Clerk of the
City Council of the City of Costa Mesa

EXHIBIT "A"

FINDINGS

A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the development is not compatible with developments in the same general area. Specifically, other than the main driveway entrance, the site is not paved, the structures and site improvements (other than the landscaped front setback) are aesthetically unpleasing, and the storage facility is highly visible from both the Costa Mesa (SR 55) and Corona Del Mar (SR 73) Freeways. Granting the conditional use permit would allow a use which is not in accordance with the intent of the general plan designation for the property.

B. The project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
   a. The development is not compatible with others in the area.
   b. Safety and compatibility of the design of the buildings, parking areas, 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 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.

D. 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 (If Project Is Approved)

Plng. 1. All applicable conditions of approval for PA-94-24 and PA-04-12 shall continue to be complied with.

2. The conditional use permit herein approved shall be valid until, and the site shall be vacated by, March 1, 2006. 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.

RECEIVED
CITY CLERK
AUG 29 PM 2:07
CITY OF COSTA MESA
BY

CITY OF COSTA MESA
P.O. BOX 1200
COSTA MESA, CALIFORNIA 92626

APPLICATION FOR APPEAL OR REHEARING

FEE: $ ~~207~~

Applicant Name: Bristol Street Mini Storage, LLC

Address: PO Box 82515 Bakersfield, CA 93380-2515

Phone: 661-393-7000 Representing: Lee Jamieson - Owner

Decision upon which appeal or rehearing is requested: (Give number of rezone, zone exception, ordinance, etc., if applicable, and the date of the decision, if known.) PA-05-30 1100 Bristol Street 8-22-05

Decision by: 3-2 Vote Planning Commission

Reason(s) for requesting appeal or rehearing:

While over 370 people and businesses spoke and wrote in favor of approving the extension, versus one opposing, the commission voted to deny our request. We ask that the appeal can be heard so that the 800+ people and businesses can again express their desire to have our business continue at the location after 10 years of serving the community.

Date: 8-25-05 Signature:

For Office Use Only — Do Not Write Below This Line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

0407-20 rev. 10/98

Bristol Street Mini Storage, LLC

3101 State Road Bakersfield, California 93308 *** P O. Box 82515 Bakersfield, California 93380-2515

• Phone: 661 393-7000 • Fax: 661 393-8738

August 26, 2005

Mr. Donald Lamm
Director of Planning
City of Costa Mesa
77 Fair Drive
Costa Mesa, CA 92626

Re: Appeal of Planning Commission Decision - Extension of conditional use permit for 1100 Bristol St. – Costa Mesa

Dear Mr. Lamm:

Enclosed please find our application for appeal of the Planning Commission decision of 8/22/05. I feel the decision is inconsistent with the City of Costa Mesa Municipal Code and also not in the best interest of the citizens of Costa Mesa.

As you know, over 380 people wrote and spoke in favor of the extension and only one person spoke against the extension. I have asked your staff for the last two years to provide me a list of conditions that they would impose to allow you to support the extension of the CUP. The answer has always come back "the staff does not support the extension under any circumstances." I feel this position is unfair and not consistent with your zoning code.

I have enjoyed being a part of the City of Costa Mesa for the past ten years and servicing the hundreds of people and businesses that use our facility. We hope that the City Council will look favorably on the appeal.

Sincerely,

Lee Jamieson
Bristol Street Mini Storage, LLC
Manager

Cc: Mr. Jack Stribling
County of Orange
300 North Flower St.
Santa Ana, CA 92703

Cc: Mr. Peter Buffa (facsimile)

SIX-MONTH EXTENSION OF TIME FOR CONIDITIONAL USE PERMIT PA-05-30 (ORIGINALLY APPROVED UNDER PA-04-12)

McCray/Dever

The Chair opened the public hearing for consideration of Planning Application PA-05-30 for the County of Orange/Bristol Street Mini Storage, LLC, for the outdoor storage of recreational vehicles and a mini-storage facility (originally approved under PA-94-24 and PA-04-12) from September 1, 2005 to March 1, 2006, located at 1100 Bristol Street in a C1 zone. Environmental determination: exempt.

Associate Planner Wendy Shih reviewed the information in the staff report and gave a presentation. She said staff was recommending Planning Commission deny the request, by adoption of Planning Commission resolution.

In response to a question from Commissioner Garlich regarding the original discussions (as referenced in the public hearing minutes from approximately 1 year ago) regarding the County's RFP process and the fact that the current tenant would like an opportunity to bid on that, Ms. Shih explained that the applicant would have to apply for a conditional use permit to request permanent usage of this property for storage facilities and staff would then take a look at whether the use is compatible with the area. Further, she clarified that the City's code would not allow "cargo containers" for a storage site and the City would most likely require permanent buildings and improvements such as paving, and perhaps parking which would be looked at when the conditional use permit is considered.

Commissioner Garlich explained that even if the applicant were to be a successful bidder and wanted to continue his business, he would still have to remove those containers and the people now using them would have to find some alternate means of storing materials for some period of time while all that change is being made. He pointed out that the City is not just looking in the long term as just a continuation of this use but something that would become, by ordinance, a different kind of use and require changes in the configuration and use of those containers.

In response to the Chair regarding the Supplemental Memo dated August 17th and the RFP schedule, Ms. Shih explained that there was no breakdown at the public hearing a year ago, although during the meeting, there was verbal discussion of proposed dates. In further response to the Chair, Ms. Shih said the RFP schedule is a "tentative" schedule from the County.

In response to a question from Commissioner Fisler regarding staff's recommendation, Ms. Shih confirmed that the applicant should vacate the site by September 1, 2005; as the original CUP permit states, however, Planning Commission has the option to

grant additional time to vacate the site. She confirmed with Commissioner Fisler that this property is zoned commercial (local business) and is approximately 1-1/2 acres in size.

There was discussion between the Chair and Ms. Shih as to sufficient time for the applicant to vacate the premises.

Peter Buffa, Nevis Circle, Costa Mesa, agreed to the conditions of approval should the project be approved and requested the Commission ask the same of the applicant. He reviewed what transpired at the Planning Commission meeting for this item on August 24, 2004 (1 year ago). Mr. Buffa did not feel that this item should be denied due to delays by the County during the past year, and as a result, Mr. Jamieson was unable to follow through with his own time line of either vacating the property, or approaching the Planning Division for a conditional use permit for the property. Mr. Buffa also addressed staff's other reasons for denial, including site improvements, landscaping, trip end activity, and disagreed with their assessment of the maintenance and condition of the business as it stands today. He also reminded staff that even from their aerial view of the property, one side belongs to CalTrans and another side is the lumber yard and that Mr. Jamieson has done very well with maintaining this property and that it has remained somewhat obscure from vehicular and foot traffic. He made an effort to convince the Commission that the flood control easement would always be a problem with this property and the Commission would only accomplish turning the property into a vacant lot if they denied the applicant's request.

Lee Jamieson, 3101 State Road, Bakersville, owner of Bristol Street Mini Storage, stated that they did receive the bid schedule from the County until 4 to 5 days after they had submitted the application to the City. He said he would have asked for a 9 to 12-month extension had he known about the schedule earlier. In response to the Chair, Mr. Jamieson agreed to the conditions of approval.

Mr. Jamieson stated that last week they sent out a mailer to their customers about the CUP. He said they have approximately 780 customers with 900 spaces total (some customers have more than one space). He submitted approximately 359 responses in favor of the application. Mr. Jamieson also apologized to the Planning Commission because when they were here last year, he was confident in his ability, *and* the County's commitment at that time to bring this to an expedient RFP process that was slowed down by the need for them to consider this property for their own internal use. He said the County has now given them the schedule and

they are moving forward with that. He said if they were the successful bidder on this property, they would come back and ask the City to allow them to continue their business. He said at the meeting a year ago he did say he would do whatever it took, within reason, to comply with conditions imposed by staff. He said he has asked a dozen times over the past 2 years what they would be and just recently Mr. Robinson said that "there is no way we will support your application and there are no conditions we will put on." He said this was new information to him and he never knew until now. He explained that this is his livelihood and this business has been serving the community of Costa Mesa for over 10 years. Mr. Jamieson said if the Commission denies this application, it will be the first time in the City's history an extension has been denied to someone who has followed each and every condition imposed upon their business.

Mr. Jamieson confirmed with the Chair that he asked for 6 months in his request a year ago and the Planning Commission gave him 12. The Chair explained that the Commission was under the impression that in 12 months if we couldn't deal with the County, that this was not a use that Costa Mesa was looking to continue. Mr. Jamieson said at that time, he told Commission that to the best of his knowledge, that this process would be concluded very shortly in a 6 to 9-month window. The Commission was gracious enough to allow him 12 months and he again apologized for the County's delays. In response to a question from the Chair regarding his reason for blaming the City in his correspondence to the tenants of his business, Mr. Jamieson explained that when you spend 2 years as a business owner asking, begging and pleading with Planning Division staff to tell you what you can do in order to continue your business that you've had for 10 years so you can continue to make your livelihood and the answer is continually, "there's nothing you can do, there's nothing you can change that will support you." He said the level of frustration obviously reaches a very high peak. He felt that if staff had given him a list of things that he would have to do in order to stay in business, at least he would have known what he had to do and would have been able to at least talk about those things but the answer was always the same. The Chair insisted that the City is not the bad guy and pointed out that the County is the one who has held up things. Further, he said nothing was even done on the part of the County to even begin the process of RFP's for the past year.

Commissioner Garlich requested that Ms. Shih explain the "10 years" so that everyone could understand because he did not believe there was a "sunset" clause on that period of time. Ms. Shih

explained that the City does not normally grant conditional use permits with time limitations and they usually "run with the land." In this case, in 1994, Planning Commission granted a 10-year period for mobile storage containers on this property. At that time, the County also had a 10-year lease and the decision by Planning Commission for a 10-year period was made to blend with the lease period and was a matter of developments in the area and compatibility of uses.

Commissioner Garlich had several questions regarding a difference between extending this conditional use permit for 6 months versus not extending it at all, but giving the tenant 6 more months to vacate the property. In response, Deputy City Attorney Tom Duarte explained that in this situation, if the application is denied, then the Commission gives him 6 months to vacate, he would be in violation of the zoning code for those 6 months, but it would not come back to Planning Commission because the Commission has made their decision. This would turn into a "grace period" and then it would be turned over to Code Enforcement at the time 6 months expires, if he has not vacated.

There was discussion between the Commission, Mr. Duarte, and Mr. Robinson concerning this alternative which would leave no doubt regarding another extension because the applicant and the tenants would know that they must vacate the property within the next 6 months, and if not, it would go directly to Code Enforcement.

Mr. Jamieson wished to point out that not one resident has ever called or written against the extension.

Martin Millard spoke against this project because he felt Bristol Street was in transition for additional shopping such as artist's lofts, and other various businesses. He said he is troubled that some people think it's a plus when there are only 20 visits a day to this site because the plan is revitalize the area. He felt the Commission should approve staff's decision and allow the applicant a reasonable time period to vacate the premises; no longer than 3 months in his estimation. The County would then have an incentive to begin making changes and do something to change this over for the City's benefit. The fact that the County owns the property should not detour the City's plans to improve the area. The County collects the rent and the City has no benefit from this business or property. If it switches over to "office or retail uses", the City will be able to collect sales tax and there will be other benefits to the community. He felt the easement could be used for parking in the back.

The following people: Fred Sandrate, 17 Cortez Street; Michael Heil, 3131 Lincoln Way; Tom Wilkins, 88 Ward Court, Lakewood, Colorado; Judith Gielow, 469 East 18th Street; Sam Scott, 269 East 22nd Street; Michael Phillips, 16562 Lucia Lane, Huntington Beach; and Patricia Magee, Newport Boulevard resident, Costa Mesa, commented as follows. (1) They were unanimously in favor of extending the CUP for this site and continuing with the current tenant; (2) most believed Mr. Jamieson should be allowed more than six months and felt that a year was more reasonable to vacate the property in hopes that the County would expedite the RFP's; (3) they also commented on the unfairness of the situation and judgment by the Planning Division that the business is not compatible with the other businesses in the neighborhood; (4) this facility has aided many businesses around the City who pay their taxes to the City and are dependent upon the facility to keep their businesses going; (5) pavement on highways is fine, but the gravel utilized at this particular facility is "earth-friendly" and absorbs rainwater; (6) gravel is also ideal for low use and slow use driving with infrequent traffic and it works; (7) this storage facility with "day use only" is situated so as to allow access to the Delhi Channel without obstruction by tree roots, permanent surfaces, and permanent structures; (8) many speakers pointed out that the City has more shopping centers and strip malls than it can handle which already causes parking, traffic and noise problems especially in this area; (9) some of the speakers live in small efficiency apartments (some temporarily, and some on fixed incomes), and they are using this facility for storage because it is reasonable by comparison to other storage facilities, and is what they can afford, and lastly, (10) one speaker said that the Chair was "offensive" in his remarks to Mr. Jamieson with regard to the correspondence sent to the tenants of Bristol Street Storage and that Mr. Jamieson is upset because he's about to lose his successful business and livelihood as he was trying to explain.

Mr. Jamieson returned to the podium and explained that in answer to the Chair's previous question, they could not breakdown exactly the amount of businesses versus individuals because many of them conduct business under their own names. He said they believe it's somewhere between 25% and 30% businesses but could be higher. There was also a question of how many are in the City of Costa Mesa and about 40% are Costa Mesa residents/businesses; that figure goes significantly higher if you check alternate addresses on the required forms. The secondary address would add significantly to Costa Mesa addresses.

Mr. Jamieson thanked the Commission for their time. He commented on the hundreds of people who don't have storage in their

homes, or for their small businesses and explained that's what mini-storage facilities are designed for. Finally, he asked the Commission if this is such a bad use, and it's so offensive, why is there not the turnout of citizens and businesses, or a list of people who want this use to go away? He pointed out that there is a long list of citizens and businesses that do want this business to stay.

No one else wished to speak and the Vice Chair closed the public hearing.

Commissioner Garlich said that the issue this evening was not aesthetics, but an issue of what's the highest and best use for that land on Bristol Street, and Bristol Street is changing. said he believed the County's RFP process, when it comes out, will shed some light on what these uses might be, including whatever Mr. Jamieson's proposals might to use for that land. He said whatever those proposals might be, they're going to be disruptive to the people that are there now. The people who use that storage in any event, will have to be inconvenienced by that change. He said looking into the future, the City of Costa Mesa has a casual interest in the possible use of that land for open space uses. The issue of fairness was also brought up and he believed a 6-month period of time to vacate the property from the September 1st deadline is more than fair and may motivate the County to continue its RFP process on some time line like as they have suggested to Mr. Jamieson.

MOTION:
PA-05-30
Denied w/direction

A motion was made by Commissioner Garlich, seconded by Commissioner Egan and carried 3-2 (Hall and Fisler voted no) to deny, by adoption of Planning Commission Resolution PC-05-54, based on information and analysis contained in the Planning Division staff report and findings in exhibit "A", and directed applicant to vacate the property during a six-month period, beginning on September 1, 2005 and ending on March 1, 2006.

Commissioner Egan thanked all the people who took the time and trouble to come out, and pointed out that whether they succeeded in persuading the Commission or not, the Commission had the benefit of their thoughts and ideas. She advised them that if the County's RFP process continues along its current path, along about March, Mr. Jamieson may not win the bid; there may be other bidders who have a proposal that pleases the County more and regardless of what is done, they may have to vacate. She said what is happening here in Orange County right now, is that residential development is becoming denser and denser and people are living in smaller units. In Costa Mesa, people are not building single-family homes on 6,000 square foot lots and so people have a lot of stuff to store. Businesses have always needed stor-

age. She believed the demand for storage facilities is infinite, but they don't all have to be located convenient to Bristol Street. She said the Commissions' job is to plan for the future, it is not to maintain consistency with the surroundings; something that would be disruptive to the surroundings would be something to consider. She said you don't look at something and say that's a noisy, nasty use, and then put the same thing in because it would be consistent—that would mean nothing ever gets better. The Bristol Street Specific Plan is carrying the retail and arts district southward to the freeway and stops at the freeway. There is the hope that it will influence development south of the freeway. She said she could not see this as a permanent business on Bristol Street even though there is an infinite need for storage.

Vice Chair Hall felt all the theoretical comments about what might happen in the future are bothersome. Aesthetics, as Commissioner Garlich pointed out, is not the issue, because aesthetically, it's a very pleasing establishment. As far as the view from the freeway, he has never had time to look down when he's driving because he's more interested in the traffic. He said consider the "free market" which built this country and continues make this country prosper and in turn continues to make the City of Costa Mesa prosper. As soon as government gets involved and says, "well we don't think that's the right use because we know what's best", but the fact is, it isn't our money we're spending, it's someone else's money we're talking about. In this case, we're saying we'll give Mr. Jamieson six months to clear out; that's fine if all he had to do was just move some containers, but how about the people who have paid for a year in advance? What will happen to them? Vice Chair Hall gave several scenarios of how he thought the next six months would go for the owner and the tenants, including legal entanglements on both sides. He said even after everything is said and done in six months and the County continues on its present course with the RFP's, the property and maintenance of the property would deteriorate until the County actually decided to do something. He said the original concept in moving this by September 1, 2005 is basically a physical impossibility, and to arbitrarily say that all those tenants' materials will be out of the containers so Mr. Jamieson can move the storage units off site in the next six months doesn't quite fit, and the suggestion that was made that at such time as the County finally does something and the property is transferred to a new owner, at that time, the Commission can address the issue of what's going to be there, and whether this business is going to leave or stay now, is jumping the gun as far as he is concerned. He said he did not know how to put that into a motion but wanted it on record that the Commission should leave it alone until the

County comes up with their final decision.

Commissioner Fisler said he agreed with Vice Chair Hall's feelings on this matter. He felt it is true that it is totally aesthetically pleasing when you pass by on Bristol Street. He also agreed with Commissioner Garlich that it may not be highest and best use of the land, but for this land to sit empty and to have the landscaping deteriorate, with padlocks on their gates, is not a good thing to do for either Costa Mesa, or the business. He said personally, he is not a fan of mini-storage, but when he visited the site he found it to be very unique and very nice. He said he was taken by the manager via golf cart and toured throughout the property; it was very clean and well managed. He said some people in Costa Mesa want to see Bristol Street improvements continue down that street, and quite possibly he does too, but his feeling is that it will happen in the not-so-distant future. He believed that this business needs to go through the process of the RFP, the winning of the bid, and then a determination of what is going there. In a set amount of time at that point, if it's not going to be a mini-storage, then give people time to vacate, rather than just saying "you're leaving on this date" and having an empty piece of property just sitting there. He said he just couldn't see the "up" side of that.

Commissioner Egan commented that no matter when the day comes to vacate, there's always going to be somebody who just paid for a year's use. There has to be a cutoff date, otherwise it never ends.

Chair Perkins said he believed Vice Chair Hall and Mr. Buffa can relate to how he feels right now. He said this is a difficult decision because he appreciates what Mr. Jamieson has done and Mr. Buffa's comments. He said he respects all the comments made by the Commission, as well as those of the individual speakers. He said he has some friends that rent there and didn't know after tonight if they would still be his friend, but he'll run that risk. He said he was a little bit discouraged when he saw the letter and he apologized to Mr. Jamieson for taking it out on him. He said there was a comment made by the last speaker, Mrs. Magee he believed, mentioned about being a senior and having a place to store things. He said he appreciated that. He just had a family member pass away and they were elderly and they lived alone. He said he understood where she was coming from. He said he disagreed with a couple things that have been said about us wanting to follow the money. He said he's sat up here for 5 years with Commissioner Garlich and he couldn't remember a time when he thought money was more important than lives. He said the County collects a big paycheck from this and as long as its here, they're going to continue to do that. He felt the 6 months was

very reasonable and feasible. He said he ultimately realized that this will probably get appealed to City Council so Planning Commission will not be the final authority. He said he would support Commissioner Garlich's motion.

Vice Chair Hall said he wanted to make one final comment to get the Chair to change his mind as the "swing vote." He said after 10 years, what's another 6 months—give these people a chance and don't put their feet to the fire today.

The Chair said he appreciated that but he had said that very same thing 12 months ago, "lets give them 12 months instead of 6 months." The Chair then called for the question as shown above.

The Chair explained the appeal process.

CITY OF COSTA MESA

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