



# **CITY COUNCIL AGENDA REPORT**

MEETING DATE: March 20, 2007

ITEM NUMBER: VI-17

**SUBJECT:** PLANNING APPLICATION PA-05-30 RE BRISTOL STREET MINI STORAGE

**DATE:** MARCH 13, 2007

**FROM:** KIMBERLY HALL BARLOW, CITY ATTORNEY

**PRESENTATION BY:** KIMBERLY HALL BARLOW, CITY ATTORNEY

**FOR FURTHER INFORMATION CONTACT:** KIMBERLY HALL BARLOW, 714-754-5399

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## **RECOMMENDATION:**

Adopt the attached Resolution approving Planning Application PA-05-30 subject to the conditions set forth therein.

## **BACKGROUND:**

Bristol Street Mini Storage, LLC filed an application requesting an extension of time for a previously approved conditional use permit for outdoor storage of recreational vehicles and a mini-storage facility. The Planning Commission denied the request and Bristol Street Mini Storage appealed. Its appeal was heard by the City Council on March 6, 2007.

## **ANALYSIS:**

The Council voted to extend the termination date of the Conditional Use Permit to and including December 31, 2007, subject to specified conditions, and directed the City Attorney to prepare a Resolution containing findings and conditions for consideration at the Council Meeting of March 20, 2007. The Council determined that while the use is not compatible with the surrounding uses and not consistent with the General Plan but that extension until December 31, 2007 of the permit is warranted to provide fair notice and adequate opportunity to tenants of the facility to relocate their possessions and to accommodate the County of Orange which owns and shares use of the site. Adoption of this Resolution would be expressly predicated upon the findings and conditions of approval as set forth in the exhibits.

## **FISCAL REVIEW:**

None required.

## **LEGAL REVIEW:**

The City Attorney's office has prepared the attached resolution for your consideration.

**CONCLUSION:**

The City Attorney recommends that City Council adopt the Resolution.



ALLAN L. ROEDER  
City Manager



KIMBERLY HALL BARLOW  
City Attorney

DISTRIBUTION: City Manager

ATTACHMENTS: 1 Draft Resolution with Exhibits A and B

File Name

Date

Time

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
COSTA MESA APPROVING PLANNING APPLICATION PA-  
05-30 SUBJECT TO CONDITIONS**

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, 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 ultimately continued to March 6, 2007;

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. This approval expressly ends on December 31, 2007

and is not subject to extension or renewal.

**PASSED AND ADOPTED this 20<sup>th</sup> day of March 2007.**

\_\_\_\_\_  
Mayor of the City of Costa Mesa

ATTEST:

\_\_\_\_\_  
City Clerk of the City of Costa Mesa

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

I, Julie Folcik, 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 20<sup>th</sup> day of March 2007.

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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.
- E. The conditional use permit for this site was expressly limited to a term of ten years by the City when granted as it was expressly contemplated to be a temporary use allowed in order to assist the County of Orange generate leasehold revenue from the property simultaneously being used for Orange County Flood Control Facilities.
- F. Bristol Street Mini Storage, as the applicant for the CUP, was aware that the conditional use permit approval was expressly limited in time. The reason for the time limitation was well known to the property owner, and even if not known to the property lessee, the time limitation was not objected to or challenged in any way by Bristol Street Mini-Storage.
- G. The City would not have granted the CUP unless it was expressly limited in time.

- H. The business owner has had more than adequate time to amortize its investment in the improvements to the property and to profit therefrom.
- I. The Conditional Use Permit is being extended only for the purpose of allowing fair and proper notice to be given to tenants of the facility and to accommodate the County of Orange, which has indicated in writing its intent to terminate the tenancy no later than December 31, 2007. No such further accommodation is necessary and no further extension of the CUP shall be considered or granted.
- J. The business owner affirmatively represented to the City that it would seek no further extensions of the CUP at the Planning Commission meeting of August 23, 2004.
- K. The storage use being conducted on the property is completely different in nature, compatibility and function from the wholly indoor self-storage facility across the street from the property. The Extra Storage project is completely indoors and provides a buffer between the single family homes behind it and the commercial corridor on Bristol Street. Bristol Street Mini Storage, on the other hand, is more industrial in nature, with hundreds of large metal containers located outside.
- L. The landscaping expenditure made by the business in 2003 was not made at the demand or behest of the City or its staff, and was not made in response to the letter from Planning Staff dated September 20, 1999. Even if the 2003 expenditure had been made in response to demands from staff, the landscaping requirement was a condition of the original CUP.
- M. The business owner's contention that its business operation at this property is not subject to the City's zoning regulations is incorrect. Having applied for and received the benefits of the CUP, the business owner has waived any such contention. The property is subject to the City's zoning regulations pursuant to California Government Code section 25549.1.

## EXHIBIT "B"

### CONDITIONS OF APPROVAL

- 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, December 31, 2007, to coincide with the currently scheduled termination of the lease term. 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. No further extensions of the CUP may be made.
- CC 3. The business owner shall give a minimum of six months' written notice to all tenants of the fact that the CUP is expiring on December 31, 2007 and the use will cease on or before that date. A copy of such notice shall be provided to City no later than April 26, 2007.
4. The six months' written notice to tenants provided for in condition number 3 shall be sent to each tenant by certified mail and a complete copy of each such notice or a complete mailing list, including names and addresses of tenants, shall be provided to the City at the time of mailing.
5. The business owner shall begin the process of physically removing storage bins no later than October 1, 2007, and shall continue until complete vacation of the property.
6. No new storage tenants or other tenants of Bristol Street Mini Storage shall be accepted after September 30, 2007.
7. The business owner shall restore the property to its pre-lease condition as required by its rental agreement with the County, except that the wall and landscaped area on the Bristol Street frontage of the property shall be maintained in good condition for the remainder of the tenancy and shall be left in place, as it currently exists, on vacation of the premises.