



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: JUNE 28, 2004

U.3.  
ITEM NUMBER:

**SUBJECT: CONDITIONAL USE PERMIT PA-04-21  
1045 EL CAMINO DRIVE**

**DATE: JUNE 17, 2004**

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

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## **PROJECT DESCRIPTION**

The applicant is requesting modification of an existing conditional use permit to discontinue the car wash and gasoline sales, and become solely an automotive repair facility.

## **APPLICANT**

The applicant is Daniel Carlton, representing the property owner, Carl Reinhart of El Camino Partners.

## **RECOMMENDATION**

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

Handwritten signature of Wendy Shih in black ink.

WENDY SHIH  
Associate Planner

Handwritten signature of Perry L. Valentine in black ink.

PERRY L. VALANTINE  
Asst. Development Services Director

## **BACKGROUND**

The property currently contains an automotive repair facility and is located adjacent to a neighborhood commercial center, surrounded by El Camino Drive to the north, Mendoza Drive to the west, and Coronado Drive to the south. The properties to the north and south are residentially zoned and developed; the property to the west is commercially zoned and developed; and to the east, is a nonconforming commercial center in an R2-MD (multiple-family residential, medium density) zone.

In 1964, a conditional use permit (C-254) was approved to allow a service station (gasoline sales and auto repair) on the property. Conditional Use Permit PA-87-204(A) was approved in 1988 (amendment in 1996), for an expansion of the service station to include an automated car wash facility. In February 2004, the underground tanks, gasoline pumps and canopies were removed. A case closure letter from the County of Orange Health Care Agency was received on February 9, 2004, stating that site remediation had been completed. The car wash facility is no longer operating.

Since the original conditional use permit (CUP) approved the operation of a service station, including incidental automotive repair and car wash, an amendment to the CUP is necessary to recognize the change in use to auto repair and service only, including smog check and certification. Site design (including number of driveways and amount of landscaping), and conditions of approval, are generally different for gasoline service stations than automotive repair facilities.

The subject site and adjacent commercial center were zoned C1 (local business district) with a General Plan designation of neighborhood commercial. On April 2, 2001, City Council approved a rezone of the properties to R2-MD with a General Plan designation of medium-density residential; consequently, the commercial uses are now nonconforming.

## **DISCUSSION**

According to the Nonconforming Provisions of the Zoning Code (Sec. 13-204), any nonconforming use may be changed to another nonconforming use provided that the change is to a use equally appropriate, or more appropriate to the district than the existing nonconforming use.

It is staff's opinion that continuation of the automotive repair use on the property without the gasoline sales and car wash, can be considered a less intensive use and more appropriate to the area since elimination of the gasoline sales will reduce the number of vehicle trips generated. As mentioned above, all underground tanks, gasoline pumps, and canopies have been removed. The service garage building (approximately 1,500 sq. ft.) will remain unchanged and the former car wash tunnel (approximately 400 sq. ft.) will be used for storage. Since the auto repair building was designed as an incidental use to the gasoline station, continuation of its use without the gasoline sales and car wash, will lessen the impact on nearby

residential properties, assuming there is no significant increase in the intensity of repair services. A condition has been included to require removal of all car wash equipment and conversion of the tunnel for storage purposes only.

There are currently three driveway entrances onto the property: two on El Camino Drive and one on Mendoza Drive. Since the additional circulation and fueling stations required for gasoline sales are no longer needed, staff is recommending a condition to remove the driveway closest to the intersection on El Camino Drive, and to improve the northwest corner of the property (between the two remaining driveways) with a minimum 15-foot wide landscape strip. A condition is also included to provide a total of 8 parking stalls (4 spaces/1,000 sq. ft. of building area) to serve the auto repair use. There are currently 4 parking stalls located on the adjacent property serving this site and 1 handicap stall in front of the building. Approval of this application would be contingent upon the continued availability of the 4 parking stalls on the adjacent lot unless a total of 8 parking stalls can be provided on-site. A site/landscaping/parking improvement plan will be required for Planning staff approval.

Additional conditions are recommended to ensure that repair work does not become more nonconforming in nature or volume.

### **ALTERNATIVES**

If the conditional use permit were denied, the auto repair use would not be allowed to continue its operation on the property. The residentially zoned property can no longer accommodate gasoline sales and a car wash. Denial of this application would require that the commercial use cease to operate and the site be subject to residential development standards.

### **CONCLUSION**

It is staff's opinion that the proposed amendment, with the recommended conditions of approval, will not adversely affect neighboring residential properties and will bring the development more in line with an automotive repair facility. The property will be less intensely used than before, and the added landscaping will represent an improvement to the generally residential area. Therefore, staff recommends approval of the conditional use permit.

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

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

Carl Reinhart  
El Camino Partners  
17871 Mitchell, Ste. 100  
Irvine, CA 92614

Daniel Carlton  
2600 Michelson Dr., Ste. 1120  
Irvine, CA 92612

**RESOLUTION NO. PC-04-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING PLANNING  
APPLICATION PA-04-21**

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

WHEREAS, an application was filed by Daniel Carlton, representing Carl Reinhart, owner of real property located at 1045 El Camino Drive, requesting approval to modify an existing conditional use permit to discontinue the car wash and gasoline sales and to become solely an automotive repair facility; and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on June 28, 2004.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-04-21 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 PA-04-21 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 28th day of June 2004.**

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Chair, 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 change of use, as conditioned, will be more 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 property will be less intensely used than before, without the gasoline sales and car wash. The recommended conditions of approval will ensure that the operation will not be disruptive to residential uses or properties in the vicinity. The added landscaping at the northwest corner of the property will also improve the aesthetics of the property as viewed from the street intersection and increase its compatibility with the surrounding residential neighborhood. Parking will comply with current Code requirements and approval of the use is contingent upon availability of the existing 4 parking stalls provided off-site plus 4 parking stalls on-site unless a total of 8 parking stalls can be provided on-site to serve the automotive repair business. Although the use is not in conformance with the current General Plan designation for the property (Medium Density Residential), it complies with the Nonconforming Provisions with regard to allowable change of nonconforming use in nonresidential structures, and the degree of nonconformity will not be increased.
- B. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use will be more compatible and harmonious with uses both on-site as well as those on surrounding properties.
  - b. Safety and compatibility of the design of buildings, parking area, landscaping, luminaries and other site features which may include functional aspects of the site development such as automobile and pedestrian circulation.
  - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- 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**

- 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. A copy of the conditions of approval for the 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.
3. A total of 8 parking stalls shall be available to serve the property. Approval is contingent upon continued availability of the existing 4 parking spaces off-site plus 4 on-site unless all 8 parking spaces can be provided on-site.
4. Close the drive approach at the northwest corner of the lot on El Camino Drive and replace with full-height curb, gutter, and sidewalk.
5. Provide a minimum 15 ft. continuous landscape strip at the northwest corner of the property, between the two driveways. This condition shall be completed under the direction of the Planning staff.
6. A site/parking/landscape plan shall be submitted reflecting the above conditions (no. 3-5). This condition shall be completed under the direction of the Planning staff.
7. All site improvements shall be completed by **December 31, 2004**.
8. The applicant shall contact the Planning Division to arrange for a Planning inspection of the site prior to the above date. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
9. There shall be no outdoor overnight storage of vehicles.
10. The use shall be limited to the number of vehicles that will not interfere with on- or off-site parking and circulation.
11. No queuing of customer vehicles within the public right-of-way shall be permitted.
12. No vehicles shall be parked/stored on the street or at the adjacent shopping center.
13. The use shall be conducted, at all times, in a manner to allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever operational measures are necessary to comply with this requirement.

14. The doors of the dynamometer bay shall be closed during vehicle testing.
15. Complaints regarding noise related to the operation of the use and/or violation of any of the operating conditions and restrictions shall be immediately remedied by the applicant.
16. The use shall be limited to the description in the staff report (auto repair/service including smog check and certification in the main building and storage in the former car wash building). No body work/repair or engine replacement/rebuilding shall be permitted.

DESCRIPTION/JUSTIFICATION

Application #: PA-04-21

Environmental Determination:

Address: 1400 N. GARDEN

1. Fully describe your request:

Applicant requests that he be allowed to modify the scope of his business as follows: To discontinue the sale of gasoline and car wash, and to continue with the business of general automobile repair and service, including smog check and certification.

2. Justification

A. For a Conditional Use Permit or Minor Conditional Use Permit: Describe how the proposed use is substantially compatible with uses permitted in the same general area and how the proposed use would not be materially detrimental to other properties in the same area.

Since my business opened in 1995 the sale of gasoline accounted for no more than approximately 25% of my gross profits. My request to continue the business of general auto repairs and service, including smog check and certification and dynamometer is exactly the same business I have conducted since 1995. The only difference is providing a cleaner and safer environment to the neighborhood by omitting the potentially hazardous sale of gasoline.

B. For a Variance or Administrative Adjustment: Describe the property's special circumstances, including size, shape, topography, location or surroundings that deprive the property of privileges enjoyed by other properties in the vicinity under the identical zoning classification due to strict application of the Zoning Code.

3. This project is: (check where appropriate)

In a flood zone.

In the Redevelopment Area.

Subject to future street widening.

In a Specific Plan Area.

4. I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST published by the office of Planning and Research and reproduced on the rear of this page and have determined that the project:

Is not included in the publication indicated above.

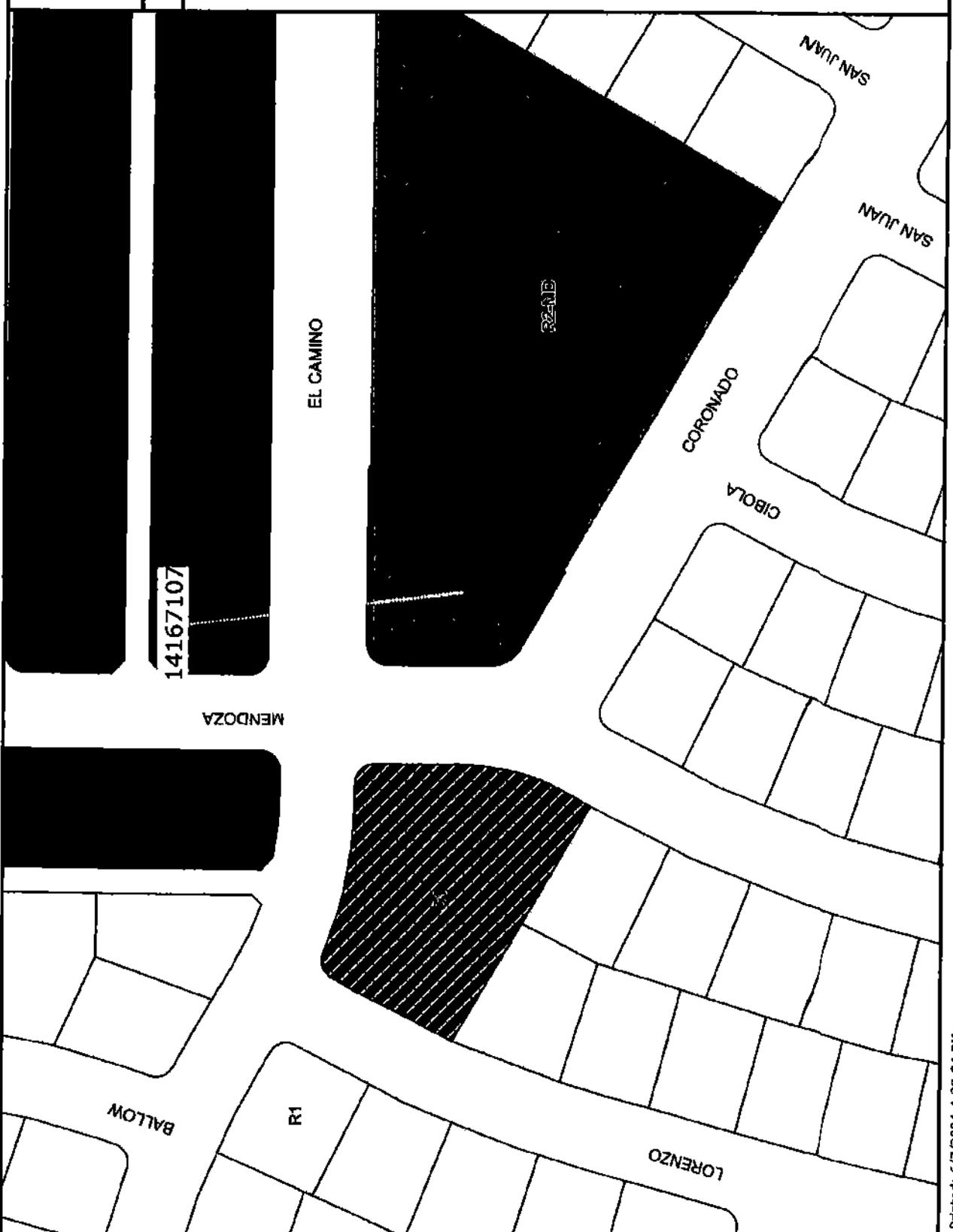
Is included in the publication indicated above.

Clark Sawyer  
Signature

04/29/2004  
Date

# ZONING/LOCATION MAP

1045 El Camino Drive



14167107

MENDOZA

EL CAMINO

R2-RD

CORONADO

CIBOLA

SAN JUAN

SAN JUAN

BALLOW

R1

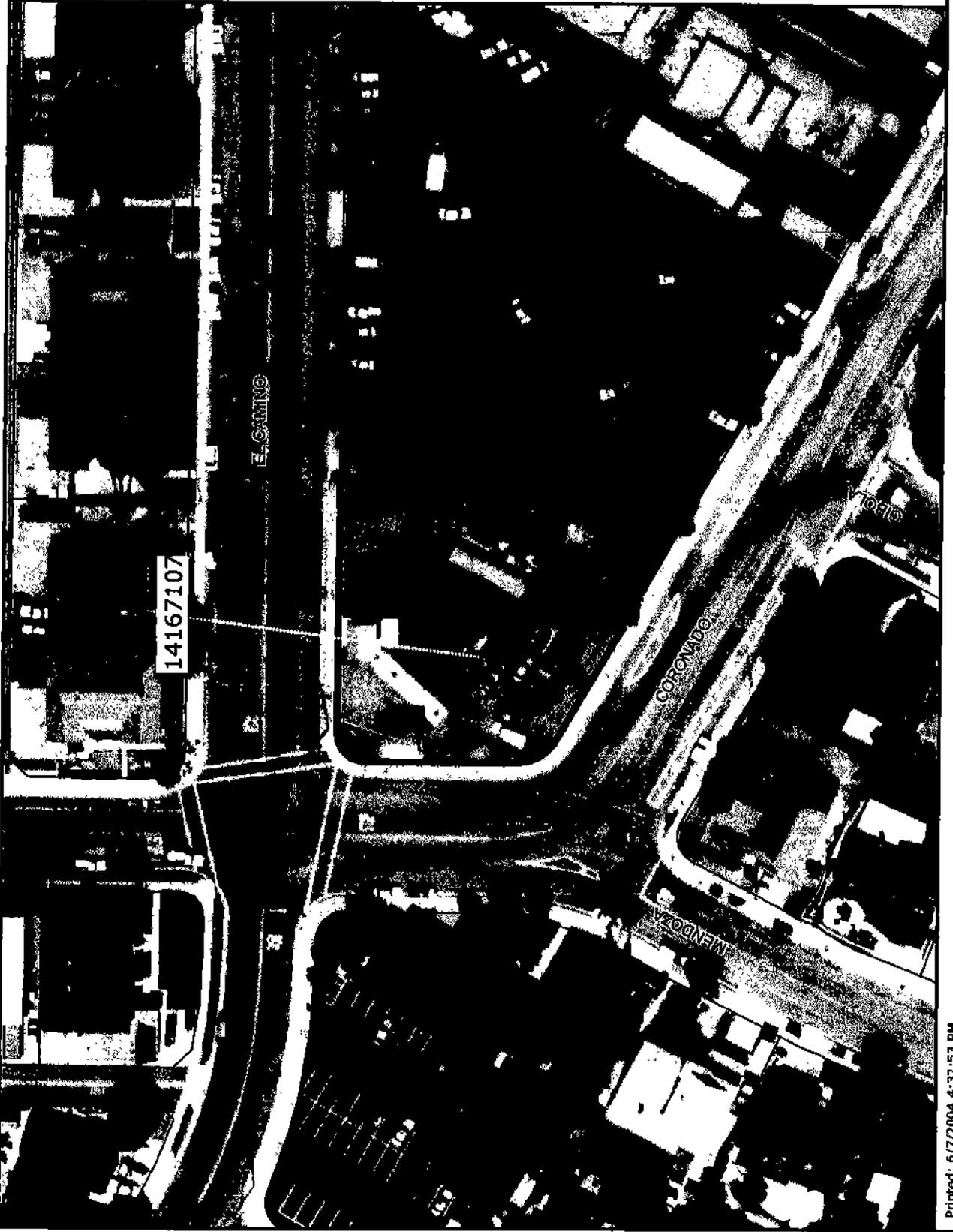
LORENZO

## Legend

- Selected Features
- Street Names
- Parcel Lines
- City Boundary
- Zoning
- Other
- Administrative & Professional
- Local Business
- Local Business & School
- General Business Commercial Limited
- Institutional & Recreational
- Institutional & Recreational - School
- General Industrial
- Industrial Park
- Off Street Parking
- Planned Development Commercial

# AERIAL PHOTOGRAPH

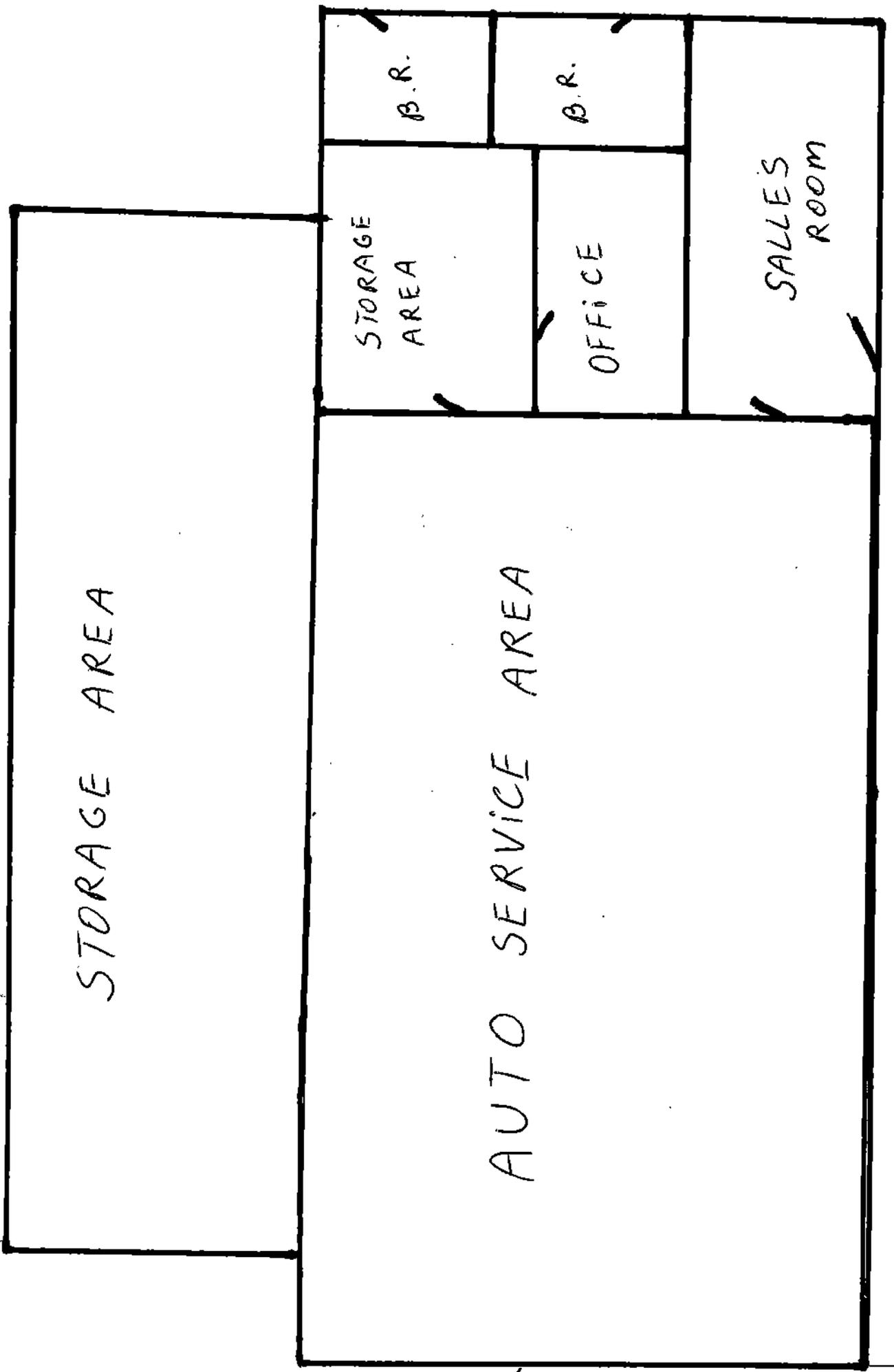
1045 El Camino Drive



## Legend

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





FLOOR PLAN

**SHIH, WENDY**

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**From:** Van Wright [vowright@earthlink.net]  
**Sent:** Monday, June 14, 2004 12:18 PM  
**To:** wshih@ci.costa-mesa.ca.us  
**Subject:** Conditional Use Permit PPA-04-21

*Van O. Wright, Ph.D.*  
2880 Ballow Lane  
Costa Mesa, CA 92626  
(714)751-8687  
FAX(714)754-1650  
E-mail: vowright@earthlink.net

*I am unable to attend the June 28, 2004 public meeting of the Costa Mesa Planning Commission, but want to go on record in support of this conditional use permit.*

*The service station is very convenient for me, and I have received excellent auto maintenance/repair service from their manager and staff. The station is an asset to the community and should be encouraged to remain and prosper.*

*I would be pleased to offer further information if you have need.*

*Sincerely,*

*Van Wright*