



PLANNING COMMISSION AGENDA REPORT

VII.1

MEETING DATE: SEPTEMBER 13, 2004

ITEM NUMBER:

SUBJECT: DA-04-01 ANNUAL REVIEW OF AUTOMOBILE CLUB OF SOUTHERN CALIFORNIA
DEVELOPMENT AGREEMENT (DA-94-01)
3333 FAIRVIEW ROAD

DATE: AUGUST 30, 2004

FOR FURTHER INFORMATION CONTACT: KIMBERLY BRANDT, SENIOR PLANNER
(714) 754-5604

DESCRIPTION

Annual review of the development agreement between the City of Costa Mesa and the Automobile Club of Southern California.

APPLICANT

Mr. Jeffrey L. Prokop representing the Automobile Club of Southern California.

RECOMMENDATION

Based on the evidence in the record, determine and find that the Interinsurance Exchange of the Automobile Club of Southern California (Auto Club) has demonstrated good faith compliance with the terms and conditions of Development Agreement DA-94-01 (Agreement).

KIMBERLY BRANDT
Senior Planner

R. MICHAEL ROBINSON
Planning & Redevelopment Mgr.

PERRY L. VALANTINE
Asst. Development Services Director

BACKGROUND

On May 23, 1994, the City of Costa Mesa approved Development Agreement DA-94-01 between the City and Auto Club in conjunction with the approval of a two-phased, 500,000 square-foot building expansion of the Auto Club's headquarters. To date, Auto Club has completed 250,000 square feet of their approved expansion. The Auto Club is located at 3333 Fairview Road.

Section 6.1 of the Agreement requires an annual review by the Planning Commission and City Council. However, in December 1997, City Council delegated future reviews and required findings to the Planning Commission. The purpose of the annual review is to determine whether or not the Auto Club has demonstrated "good faith" compliance with the Agreement's terms. In every past annual review, the City has determined Auto Club to be in compliance. The Planning Commission last reviewed this agreement in September 2003.

ANALYSIS

The Auto Club has submitted a letter documenting their Agreement compliance to date. In summary, the Auto Club has accomplished the following:

1. Completed traffic study to determine trip daily vehicle trip counts in June 2000 pursuant to Section 3.9(c)(i) of the Agreement.
2. Paid \$138,060 in additional traffic fees to the City in November 2000 pursuant to Section 3.9(c)(ii) of the Agreement.
3. Regular submission of the annual review of the development agreement as requested by the City, and the Auto Club has always been found to be in compliance with the agreement's terms.

Because the Auto Club has not yet pursued their final phase of building construction, there are no other obligations they need to fulfill at this time. The remaining obligations include conducting a second traffic study no earlier than thirty months and no later than thirty-six months after the issuance of the certificate of occupancy for the final phase of development [Section 3.9(c)(iii)]. If the traffic study shows additional traffic than what was previously anticipated (as defined in the development agreement), the Automobile Club would be responsible to pay additional traffic impact fees.

Transportation Services has also reviewed the development agreement and concurs that Automobile Club of Southern California is in compliance with the terms of the agreement. Legal review is not required since no development has occurred since last year's annual review.

ALTERNATIVES

If the Planning Commission finds the Auto Club is not in compliance with the Agreement's terms, evidence supporting that determination would be required.

CONCLUSION

Staff has reviewed the Agreement's terms and conditions and believes the Auto Club is in compliance. The Planning Commission's finding can be made by minute order.

Attachments: 1. Auto Club Letter
 2. Development Agreement DA-94-01

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

Jeffrey L. Prokop, Vice President
Automobile Club of Southern California
P.O. Box 25001
Santa Ana, CA 92799-5001

File: 091304DA0401AR	Date: 081704	Time: 1140a.m.
----------------------	--------------	----------------



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

**FOR ATTACHMENTS NOT INCLUDED IN THIS REPORT
PLEASE CONTACT THE PLANNING DIVISION
AT (714) 754-5245.**