



# **PLANNING COMMISSION AGENDA REPORT**

MEETING DATE: MAY 23, 2005

*III. 2.*  
ITEM NUMBER:

SUBJECT: CONDITIONAL USE PERMIT PA-05-01 (REVOCATION)  
2025 PLACENTIA AVENUE

DATE: MAY 12, 2005

FOR FURTHER INFORMATION CONTACT: MEL LEE, AICP, SENIOR PLANNER  
(714) 754-5611

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## **PROJECT DESCRIPTION**

Review of conditional use permits ZE-71-16 and ZE-71-16-A (brought forward under PA-05-01) to operate an open storage rental yard for construction equipment and minor building materials incidental to an engineering construction business for possible modifications to the conditions of approval or revocation.

## **APPLICANT**

The applicant is Vince Cook, representing the property owner, Elise Cook.

## **RECOMMENDATION**

Deny PA-05-01 and revoke ZE-71-16 and ZE-71-16-A by adoption of Planning Commission resolution.

MEL LEE, AICP  
Senior Planner

R. MICHAEL ROBINSON, AICP  
Asst. Development Services Director

**BACKGROUND**

The subject property (which is industrially zoned) is a deep, rectangular lot approximately 86 feet wide by 464 feet deep, bounded by a boat facility to the north, a multiple tenant industrial building to the south, and single-family residences to the west. To the east of the property (across Placentia Avenue), are various commercial and industrial businesses. The only permanent structures on the property that have building permits are the office and shop buildings located in the rear 160 feet of the site. The first 304 feet of the site is occupied by an open storage yard enclosed with fencing that is the subject of the conditional use permit described below.

On February 22, 1971, Planning Commission approved Conditional Use Permit ZE-71-16, to operate an open storage rental yard for construction equipment and minor building materials incidental to the engineering construction business that occupied the rear building at that time. Conditional Use Permit ZE-71-16 was approved with several conditions of approval, including condition of approval no. 5 requiring that storage within 50 feet of Placentia Avenue not exceed the maximum fence height of 6 feet and that the approval would be for a period of 2 years (Condition No. 7).

On June 11, 1973, Planning Commission considered Conditional Use Permit ZE-71-16-A for the continuation of the use of the property as an open storage yard. The Planning Commission report prepared for ZE-71-16-A noted that the condition for no storage above the fence height was being violated throughout the site, including the area visible from the street. Planning Commission approved the continuation of the CUP on the basis that the applicant had made an effort to correct the storage visible from the street. Since the approval for the continuation of the CUP in 1973 (which had a one year time limit), no further action by the applicant to either renew the existing CUP or apply for a new CUP had taken place until the current application was filed.

In the last several years, there have been several code enforcement complaints regarding the condition of the property, the storage of items visible above the screen fence and to surrounding properties, and persons living in the office at the rear of the property. Additionally, the nature of the storage appears to have expanded beyond the scope of the originally approved CUP to include storage containers, shed buildings, and covered canopies. As a result of the most recent complaint, which was received in August of last year, the property owner was advised of the need to apply for a new CUP to cover the expanded nature and scope of the storage; however, after additional review, it was determined that in addition to the new CUP request, the original CUP needed to be brought back before the Commission for review and possible modification or revocation.

**ANALYSIS**

Municipal Code Section 13-29(o) (Enforcement Authority) allows the Planning Commission to modify or revoke a planning application if the following conditions are found to apply:

1. The use constitutes a public nuisance; or
2. The use does not comply with the conditions of approval.

The below table summarizes the status of the conditions of approval as approved and modified for ZA-71-16-A:

<b>CONDITIONS OF APPROVAL FOR ZE-71-16-A</b>	<b>STATUS AS OF 5/23/05</b>
Construct block wall to a height of 6 feet from grade level of subject property along rear property lines.	Completed.
Install opaque fencing along the back two storage stalls, under the direction of the Planning Department.	Not completed (chain link fence in place w/no opaque screening).
No storage of materials to exceed fence height of 6 feet.	Several items, including storage containers and non-permitted structures (sheds and canopies) visible from above the fence.
Manufacturing, defined as the making of goods, and or the rebuilding of equipment goods, etc., are expressly prohibited within the storage yard areas. Failure to comply with this requirement will constitute a rehearing before the Planning Commission and City Council.	No manufacturing activities observed.
Approval for a period of 1 year from date of Council approval.	No further action was taken by the applicant to either renew the existing CUP or apply for a new until the current application was filed.
The area presently being used for parking lot purposes shall be maintained open and usable at all times. Storage rental shall not be permitted in this area unless granted by an amended application.	Area identified as parking on approved plan used for storage and not parking.

Although the applicant has made an effort to correct the most recent code enforcement violations, it is staff's opinion that the CUP should be revoked as a result of the applicant's failure to comply with all of the original conditions of approval under ZE-71-16-A, ongoing code enforcement issues related to the property, and the recent adoption of the Westside Revitalization Plan by City Council, which includes the proposed Live-Work or Residential Overlay Zone for the property. Revocation would also be consistent with the City Council's denial of a proposed contractor's business at 814 W. 19<sup>th</sup> Street and the

community's and council's desire for meaningful and substantial improvements to the City's Westside.

### Recommended Additional Conditions Of Approval

If the Planning Commission were to modify, rather than revoke, the Conditional Use Permit, the following additional conditions of approval are recommended:

- 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;
- Non-permitted structures shall be removed no later than 90 days from the date of approval;
- The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement;
- 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;
- Any proposed operational change that increases or intensifies the approved use shall require approval of an amendment to this conditional use permit by the Planning Commission;
- The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied; and
- Complaints regarding the violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.

### ALTERNATIVES

The Planning Commission has the following alternatives:

1. Revoke the conditional use permit as recommended, requiring that the applicant remove all storage and cease the use no later than 90 days from the date of the Commission's decision;
2. Allow the use to continue to operate under the conditional use permit with the additional conditions of approval.

**CONCLUSION**

It is staff's opinion that, due to the ongoing code enforcement issues and the recent adoption of the Westside Revitalization Plan, the CUP for the subject use should be revoked.

Attachments:       Draft Planning Commission Resolution  
                          Exhibit "A" – Findings  
                          Applicant's Project Description/Justification  
                          Zoning/Location Maps  
                          Plans  
                          Staff Reports for ZE-71-16 and ZE-71-16-A  
                          Site Photos

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

Vince Cook  
1692 Pegasus Street  
Santa Ana, CA 92707

File: 052305PA0501	Date: 051105	Time: 1:15 p.m.
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**RESOLUTION NO. PC-05-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING CONDITIONAL USE PERMIT PA-05-01 AND REVOKING CONDITIONAL USE PERMITS ZE-71-16 AND ZE-71-16-A**

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

WHEREAS, an application was filed by Vince Cook, representing the property owner, Elise Cook, with respect to the real property located at 2025 Placentia Avenue, requesting approval of a conditional use permit to operate an open storage rental yard for construction equipment and minor building materials incidental to an engineering construction business; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on May 23, 2005.

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 **DENIES** Conditional Use Permit PA-05-01 and **REVOKES** Conditional Use Permits ZE-71-16 and ZE-71-16-A with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that the applicant shall remove all storage and cease the use no later than 90 days from the date of the Commission's decision.

**PASSED AND ADOPTED this 23rd day of May, 2005.**

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Chair, Costa Mesa  
Planning Commission



**EXHIBIT "A"****FINDINGS**

- A. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed development and use is not compatible and harmonious with uses on surrounding properties.
  2. The project is not consistent with the General Plan.
- B. The information presented does not comply with Costa Mesa Municipal Code section 13-29(g)(2) in that the use is not compatible with developments in the same general area. Granting the conditional use permit will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity and allow a use which is not in accordance with the General Plan. Finally, approval of the request would allow the continuation of a marginal use inconsistent with City Council direction on the Westside Revitalization Plan.
- C. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(o) with regard to grounds for revocation in that there have been several code enforcement complaints regarding the condition of the property, the storage of items visible above the screen fence and surrounding properties, and persons living in the office at the rear of the property. The nature of the storage appears to have expanded beyond the scope of the originally approved CUP to include storage containers, shed buildings and covered canopies. Additionally, based on site visits by staff, there is evidence that several of the original conditions of approval for ZE-71-16-A were never complied with.
- D. 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.
- E. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"****CONDITIONS OF APPROVAL (If CUP is Allowed to Continue)**

1. No storage of materials to exceed fence height of 6 feet.
2. Install opaque fencing along the back two storage stalls, under the direction of the Planning Department.
3. Manufacturing, defined as the making of goods, and or the rebuilding of equipment goods, etc., are expressly prohibited within the storage yard areas.
4. The area shown on the approved plan as being used for parking lot purposes shall be maintained open and usable at all times. Storage rental shall not be permitted in this area unless granted by an amended application.
5. 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.
6. Non-permitted structures shall be removed no later than 90 days from the date of approval.
7. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding neighborhood. The applicant and/or business owner shall institute whatever security and operational measures are necessary to comply with this requirement.
8. 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.
9. Any proposed operational change that increases or intensifies the approved use shall require approval of an amendment to this conditional use permit by the Planning Commission.
10. The applicant shall contact the Planning Division to arrange a Planning inspection of the site prior to occupancy. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
11. Complaints regarding the violation of any of the above operating conditions and restrictions shall be immediately remedied by the applicant.

# CITY OF COSTA MESA PLANNING APPLICATION

## PROJECT DESCRIPTION AND JUSTIFICATION

1. **Project Address:**  
2025 PLACENTIA AVE.  
COSTA MESA CAL. 92726

2. **Fully describe your request:**  
SEE ATTACHED SHEET

3. **Justification:**

A. **For a Conditional Use Permit or Minor Conditional Use Permit:** On a separate sheet, 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.

B. **For a variance or Administrative Adjustment:** On a separate sheet, 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.

4. **This project is: (check where appropriate)**

In a flood zone.  In the Redevelopment Area.

Subject to future street widening.  In a Specific Plan Area.

Includes a drive-through facility.  
(Special notice requirements, pursuant to GC Section 65091 (d))

5. **I have reviewed the HAZARDOUS WASTE AND SUBSTANCES SITES LIST reproduced on the rear of this page and have determined the project:**

Is not included in the publication indicated above.

Is included in the publication indicated above.

*Elvis S. Cook*

Signature

Date

*3/24/05*

2. My husband and I bought this property in 1951. It was rented to S. J. Cook & Sons, a general engineering company as their office and yard. When my husband retired from the company in 1971 we applied to the city and received a conditional use permit for open storage on part of the property for additional income. The property has been used in this manner since that time. S.J. Cook & Sons Inc. went out of business and that part of the property was rented to a plumbing contractor in 2003.

I am now ninety-eight years old and a widow living in an assisted living facility and use the rental income to meet my living expenses. This piece of property will be sold upon my death to settle my estate.

Over the years there have been some temporary structures built by the tenants. I realize that these will have to be removed to comply with the terms for a conditional use permit.

I hope that you will consider the circumstances and grant me a conditional use permit for my property.

3. The property adjacent to the north of my property is used for open storage . My property has been used in the same manner since 1971 so there would be no adverse reactions from the properties in the surrounding area. The rental area is not near any residential property.

# ZONING/LOCATION MAP

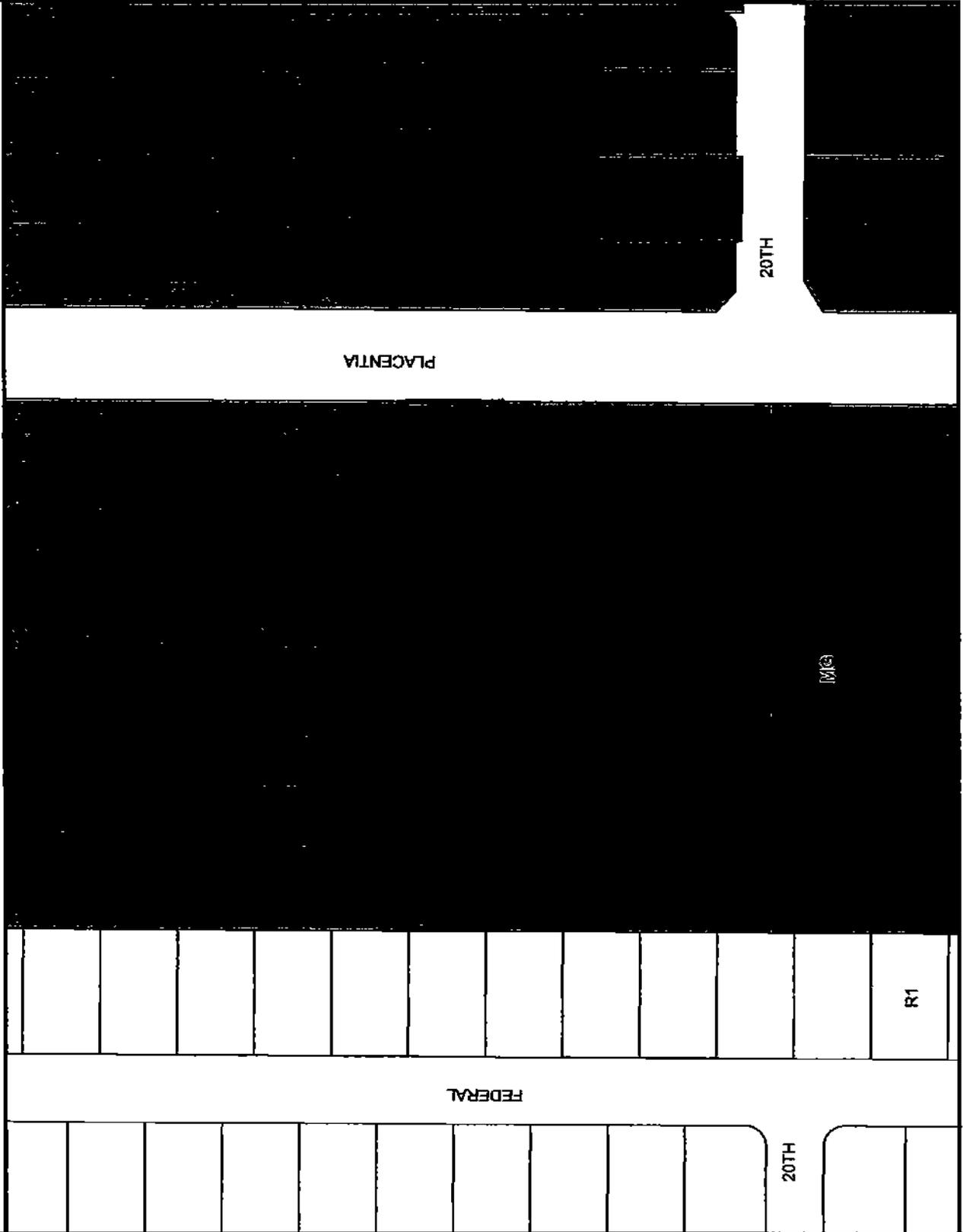
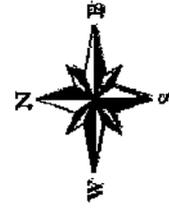
PA-05-01

## Legend

Street Names

Parcel Lines

Zoning



# 2025 PLACENTIA

## Legend

Street Names

Parcel Lines

Ortho  
Photography

Parcels



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# **CITY OF COSTA MESA**

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

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DEVELOPMENT SERVICES DEPARTMENT

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