



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: NOVEMBER 14, 2005

J. H.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-44
830 AND 834 WEST 18TH STREET

DATE: NOVEMBER 3, 2005

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

PROJECT DESCRIPTION

The applicant is requesting to modify a previously approved minor conditional use permit (ZA-04-23) allowing outdoor storage of RVs and boats, to legalize outdoor storage of all types of vehicles, and a conditional use permit to legalize outdoor work and auto repair on the properties.

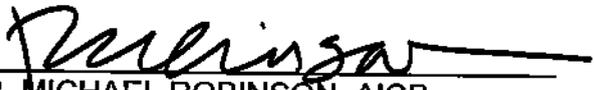
APPLICANT

Jim Wedgeworth is representing the property owner, William Wedgeworth.

RECOMMENDATION

1. Revoke ZA-04-23 and deny PA-05-44 by adoption of Planning Commission resolution.
2. Direct applicant to vacate site within 120 days of Planning Commission action.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The properties are located near the northwest corner of West 18th Street and Placentia Avenue. They are surrounded by industrially zoned and developed properties to the west, south, and east. The properties to the north are zoned R1 (Single-Family Residential). 834 West 18th Street was the former Newport Sanitation Company office and 830 West 18th Street contains a nonconforming dwelling unit. Newport Sanitation Company had been using the rear of both lots for storage of portable restrooms for over 30 years without the City's approval.

On May 20, 2004, Minor Conditional Use Permit (MCUP) ZA-04-23 was approved to allow outdoor storage of recreational vehicles (RVs) and boats at the rear of the lots. The applicant proposes to amend the MCUP to legalize outdoor storage of vehicles in addition to RVs and boats, and requests a conditional use permit (CUP) to legalize outdoor work and to allow auto repair on the properties.

DISCUSSION**AMENDMENT OF MINOR CONDITIONAL USE PERMIT ZA-04-23**

The original MCUP included a number of conditions requiring site improvements and limiting the types of storage and hours of operation. The site improvements were required to be completed by November 2004. The improvements and status are as follows:

#	CONDITION	STATUS
1.	Nonconforming residence shall be demolished or converted into an industrial building.	Not completed.
2.	Construct a minimum 6 ft. high block wall along the rear of the property.	An approximately 4 to 5 ft. high block wall measured from the applicant's side was constructed.
3.	Provide minimum 5 ft. deep landscape buffer along the rear of the property, under the direction of Planning staff.	Not completed.
4.	Replace existing chain link fence at the front with solid, opaque fence.	Completed.
5.	Provide reciprocal access easement between two properties or process a lot line adjustment to combine lots.	Not completed.
6.	Submit parking/stripping plan showing employee and customer parking.	Parking lot striped without submitting plans for Planning approval.
7.	All items unrelated to RV and boat storage shall be removed.	Several items, including dismantled vehicles, storage container, and spray booth are stored.

Although there had been several contacts with the property owner before and after the November 2004 deadline in an attempt to complete the conditions of approval, only the solid gate required under condition of approval no. 4 was installed. It became apparent that the applicant was not completing the conditions but, in fact, was making the situation worse by operating a towing and auto repair business, storing dismantled vehicles, a storage container, and using a spray booth that is not permitted by the City. Since most of the conditions under the original MCUP have not been satisfied, staff is recommending that Planning Commission revoke MCUP ZA-04-23 and deny the amendment to allow vehicle storage on the property.

CONDITIONAL USE PERMIT FOR OUTDOOR WORK AND AUTO REPAIR

In addition to legalizing existing outdoor work, the applicant proposes to convert the existing, nonconforming residential structure at 830 West 18th Street to an auto repair shop. Per Section 13-30 (107) of the Costa Mesa Municipal Code, a conditional use permit is required for repair services within 200 feet of residential zone. The properties about R1 (Single-Family Residential) zoned properties to the rear. Outdoor work and auto repair services would not be compatible with the sensitive residential land uses.

In March 2005, the City Council approved several revitalization strategies aimed to improve the City's Westside. The subject properties are located within the Westside Revitalization Plan area, which emphasizes improving the plan area by providing visual enhancement and encouraging the development of live/work units or residential development. It is staff's opinion that outdoor work and auto repair services do not contribute to revitalization of the City's Westside, and despite the past conditions and requirements, the applicant made the site worse due to minimal site improvements and intensification of use on a property that already violates a previously approved MCUP and Zoning regulations. The requested uses on the property do not stimulate improvement in the area and do not integrate well with existing residential properties in the vicinity. Denial of any outdoor work, auto repair, and revocation of the existing MCUP would be consistent with the City Council's denial of a proposed contractor's business at 814 W. 19th Street, Planning Commission's revocation of a CUP for storage yard for construction equipment at 2025 Placentia Avenue, and the community's and council's desire for meaningful and substantial improvements to the City's Westside.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Revoke ZA-04-23 and deny PA-05-44, which would prohibit any outdoor storage, work, or auto repair service on the properties. Should Planning Commission take this action, staff recommends that the commission direct the applicant to vacate the property within 120 days.
2. Approve the MCUP amendment and deny the CUP for auto repair service, and require all revised conditions of approval be completed within 3 months. Staff

recommends the application return to Planning Commission in 6 months for status review.

3. Approve the applicant's request, which would allow outdoor storage of motor vehicles in addition to RVs and boats, as well as outdoor work and auto repair service on the properties. Staff recommends the application return to Planning Commission in 6 months for status review.

CONCLUSION

Since majority of the conditions of approval under ZA-04-23 have not been satisfied, and the properties are located within the City's Westside Revitalization Plan area, it is staff's opinion that legalizing uses on the property do not stimulate improvement in the area and do not integrate well with existing residential properties in the vicinity. Approval of the MCUP amendment and CUP for outdoor storage of vehicles, work, and auto repair services would intensify use on a property that already violates City Codes. The applicant's request is also not consistent with General Plan goals and objectives to protect existing residential properties. As a result, staff is recommending revocation of ZA-04-23 and denial of PA-05-44.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Applicant's Project Description and Justification
 Zoning Administrator's Approval Letter Dated May 20, 2004
 Zoning/Location Map
 Plans
 Photos

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

Jim Wedgeworth
 834 West 18th Street
 Costa Mesa, CA 92627

File: 111405PA0544	Date: 110205	Time: 11:15 a.m.
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RESOLUTION NO. PC-05-**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA REVOKING MINOR CONDITIONAL USE PERMIT ZA-04-23 AND DENYING PLANNING APPLICATION PA-05-44**

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

WHEREAS, an application was filed by Jim Wedgeworth for William Wedgeworth, owner of real property located at 830 and 834 West 18th Street, requesting modification of Minor Conditional Use Permit ZA-04-23 to legalize outdoor storage of vehicles in addition to recreational vehicles and boats, and a conditional use permit to legalize outdoor work and to allow auto repair on the property in an MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 14, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **REVOKES** Minor Conditional Use Permit ZA-04-23 and **DENIES** Planning Application PA-05-44 with respect to the property described above; and

BE IT FURTHER RESOLVED, that the applicant be directed to vacate the site within 120 days of final Planning Commission action.

PASSED AND ADOPTED this 14th day of November, 2005.

Bill Perkins, Chair
Costa Mesa Planning Commission

EXHIBIT "A"**FINDINGS**

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use is not compatible with developments in the same general area. Granting the conditional use permits will be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, outdoor storage of vehicles, work, and auto repair services would intensify use on a property that already violates existing conditions of approval and City Codes. The properties back up to sensitive, residential uses to the rear and the uses do not contribute to the Westside Revitalization Plan area. Granting the conditional use permit and modification of Minor Conditional Use Permit ZA-04-23 will allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use is not compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. The project is not consistent with the General Plan goals and objectives to protect existing residential properties
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
- 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 code enforcement complaints regarding the use of the property. The nature of the RV and boat storage business appears to have expanded beyond the scope of the originally approved MCUP to include vehicle/dismantled vehicle storage, storage container, and spray booth for auto repair work. Additionally, based on site visits by staff, there is evidence that majority of the original conditions of approval for ZE-ZA-04-23 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 XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL (If project is approved)

The conditions listed below include and replace ZA-04-23 conditions.

- Plng 1. The nonconforming residence on 830 West 18th Street shall be demolished or converted into an industrial building. This condition shall be completed under the direction of the Planning and Building and Safety Division.
2. Construct a minimum 6 ft. high (measured from the higher grade) block wall along the rear of 830 West 18th Street.
3. Provide minimum 5 ft. deep landscape buffer along the rear of 830 West 18th Street. Trees and/or shrubs shall be installed under the direction of the Planning Division. Landscape and irrigation plans shall be approved by Planning Division and installed prior to inspection.
4. Provide proof of reciprocal access between the two properties or submit an application for a lot line adjustment to combine the two industrial lots into one.
5. The applicant shall submit a parking/stripping plan for both properties, showing employee and customer parking, for Planning approval. Striping shall be completed prior to Planning inspection.
6. All items unrelated to vehicle, RV and boat storage shall be removed from both properties.
7. The above listed conditions (no. 1-6) shall be completed by **February 14, 2006**. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to this date. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
8. Hours for access into the vehicle, RV and boat storage area shall be limited to 7 a.m. to 7 p.m., Mondays through Fridays, and 8 a.m. to 6 p.m., Saturdays and Sundays.
- * 9. The sites shall be used for vehicle, RV and boat storage purposes only. No other work including, but not limited to, repair and dismantling shall be conducted on-site.
- * 10. No outdoor storage of wrecked or dismantled vehicles shall be allowed.
11. No one shall be allowed to occupy or live in any of the RVs or boats.
12. Demolition permits for existing structures shall be obtained and all work and inspections completed prior to final building inspections. Applicant is notified that written notice to the Air Quality Management District may be required ten (10) days prior to demolition.
13. All construction-related activity shall be limited to between the hours of 7 a.m. and 8 p.m., Monday through Friday, and 8 a.m. to 6 p.m. Saturday. Construction is prohibited on Sundays and federal holidays. Exceptions may be made for activities that will not generate noise audible from off-site, such as painting and other quiet interior work.
14. The business 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.
15. A copy of the conditions of approval for the conditional use permits 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.

16. The conditional use permits 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 permits 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.

* Delete these conditions if the CUP for auto repair and outdoor work is also approved.

PLANNING DIVISION - CITY OF COSTA MESA
DESCRIPTION/JUSTIFICATION

Application #: PA-05-44

Environmental Determination:

Address: 830 + 834 W. 18th St.

1. Fully describe your request: Outdoor Rental Storage for Recreational Vehicles, boats, vehicles, and auto body repair shop.

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. One auto body repair shop two doors down on the same side of the street. There are three auto body repair shops within two blocks of the address. There are four rental storage - RV, Boat and vehicles within two blocks of address. The address has been used for RV, Boat and vehicle storage for the past 45 years.

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.

Subject to future street widening.

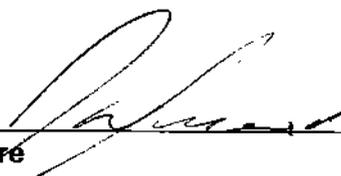
In the Redevelopment Area.

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.

Signature 

Date 10-3-05



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

May 20, 2004

Jim Wedgeworth
834 W. 18th St.
Costa Mesa, CA 92627

RE: MINOR CONDITIONAL USE PERMIT ZA-04-23
830 AND 834 WEST 18TH STREET, COSTA MESA

Dear Mr. Wedgeworth:

Review of the minor conditional use permit for the above-referenced project has been completed. The application has been approved, based on the following project description and findings, subject to the conditions set forth below:

PROJECT DESCRIPTION

The properties are located near the northwest corner of West 18th Street and Placentia Avenue, within the MG (General Industrial) zoning district. They are surrounded by industrially zoned and developed properties to the west, south and east. The properties to the north are zoned R1 (Single-Family Residential). 834 West 18th Street contains the former Newport Sanitation Company office and 830 West 18th Street contains a nonconforming dwelling unit. Newport Sanitation Company had been using the rear of both lots (including the nonconforming residential lot) for storage of portable restrooms for over 30 years without City's approval.

The applicant now requests a minor conditional use permit for outdoor storage of recreational vehicles (RVs) and boats at the rear of 834 West 18th Street and 830 West 18th Street (nonconforming residential lot). Access to the rear of the nonconforming residential lot is provided from a driveway on 834 West 18th Street. The proposal is for storage only. According to the property owner/applicant, no vehicles will be towed to the site and no repair work or dismantling is proposed.

Staff does not anticipate negative impacts on surrounding properties since a condition is included to require replacement of the existing chain link fence/gate at the front of the property with solid, opaque fence/gate for complete screening of the RVs and boats from the street. A condition has also been included to require a

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6 ft. high block wall and landscape buffer along the rear of 830 West 18th Street property to mitigate visual impacts on the residentially zoned and developed properties to the north (rear). Since the property contains a nonconforming residential unit within an industrial zone, a condition has been included to require conversion of the nonconforming residence/property to industrial to bring the property into conformance with industrial zoning requirements.

FINDINGS

1. The information presented substantially complies with Section 13-29(g)(2) of the Costa Mesa Municipal Code in that:
 - a. The proposal to allow outdoor recreational vehicle and boat storage at this location, as conditioned, is substantially compatible with the generally industrial developments in the same general area. The property will be used for storage of RVs and boats only, which is a relatively quiet and low-key use so that impacts on the residences to the north (rear) are not anticipated. The property will also be brought into conformance with industrial zoning requirements. Although the proposed use is not the ideal long-term use of the property, it is an acceptable interim use that would pose minimal obstruction to future redevelopment of the site, should studies currently underway lead to a change in zoning of the area.
 - b. Granting the minor conditional use permit, as conditioned, 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 use will consist of storage of RVs and boats only and they will be screened from view from off-site.
 - c. Granting the minor conditional use permit, as conditioned, will not allow a use, density or intensity which is not in accordance with the general plan designation for the property.

2. The proposed project complies with Costa Mesa Municipal Code Section 13-29 (e) because:
 - a. The proposed development and use is compatible and harmonious with uses both on-site as well as those on surrounding properties.
 - b. Safety and compatibility of the design of the parking area, 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 is consistent with the General Plan.
 - d. The planning application is for a project-specific case and does not establish a precedent for future development.

3. 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.

4. The project is exempt from Chapter XII, Article 3 Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- Plng
1. The nonconforming residence on 830 West 18th Street shall be demolished, reconstructed, or converted into an industrial building. This condition shall be completed under the direction of the Planning and Building and Safety Division.
 2. Construct a minimum 6 ft. high block wall along the rear of 830 West 18th Street.
 3. Provide minimum 5 ft. deep landscape buffer along the rear of 830 West 18th Street. Trees and/or shrubs shall be installed under the direction of the Planning Division. Landscape and irrigation plans shall be approved by Planning Division and landscaping shall be installed prior to inspection.
 4. Replace existing chain link fence/gate at the front of 834 West 18th Street with solid, opaque fence/gate.
 5. Provide proof of reciprocal access between the two properties or submit an application for a lot line adjustment to combine the two industrial lots into one.
 6. The applicant shall submit a parking/stripping plan for both properties, showing employee and customer parking, for Planning approval. Stripping shall be completed prior to Planning inspection.
 7. All debris, portable restrooms and other items unrelated to RV and boat storage shall be removed from both properties.
 8. The above listed conditions (no. 1-7) shall be completed by **November 20, 2004**. The applicant shall contact the Planning Division to arrange for an inspection of the site prior to this date. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
 9. Hours for access into the RV and boat storage area shall be limited to 7 a.m. to 7 p.m., Mondays through Fridays, and 8 a.m. to 6 p.m., Saturdays and Sundays.
 10. The sites shall be used for RV and boat storage purposes only. No other work including, but not limited to, repair and dismantling shall be conducted on-site.
 11. The site shall not be used for the storage of wrecked or dismantled vehicles.
 12. No one shall be allowed to occupy or live in any of the RVs or boats.
 13. The minor 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.

CODE REQUIREMENTS

The following list of federal, state and local laws applicable to the project has been compiled by staff for the applicant's reference. Any reference to "City" pertains to the City of Costa Mesa.

- Plng. 1. Approval of the Zoning Action is valid for one (1) year and will expire at the end of that period unless building permits are obtained, or the applicant applies for and is granted an extension of time.
- 2. Parking stalls shall be double-striped in accordance with City standards.
- Bldg. 3. Comply with the requirements of the Uniform Building Code as to design and construction and CCR Title 24 pertaining to "Disabled Access Regulations".
- Fire 4. Provide emergency key access.
- 5. Provide 10 ft. access aisle to the rear of the property.

Upon receipt of this letter, your project has been approved, subject to the above-listed conditions. A copy of the conceptually-approved site plan is enclosed. The decision will become final at 5:00 p.m. on May 27, 2004, unless appealed by an affected party or a member of the Planning Commission or City Council, including filing of the necessary application and payment of the appropriate fee.

If you have any questions regarding this letter, please feel free to contact the project planner, Wendy Shih, at 714-754-5136 between 1 p.m. and 5 p.m.

Sincerely,



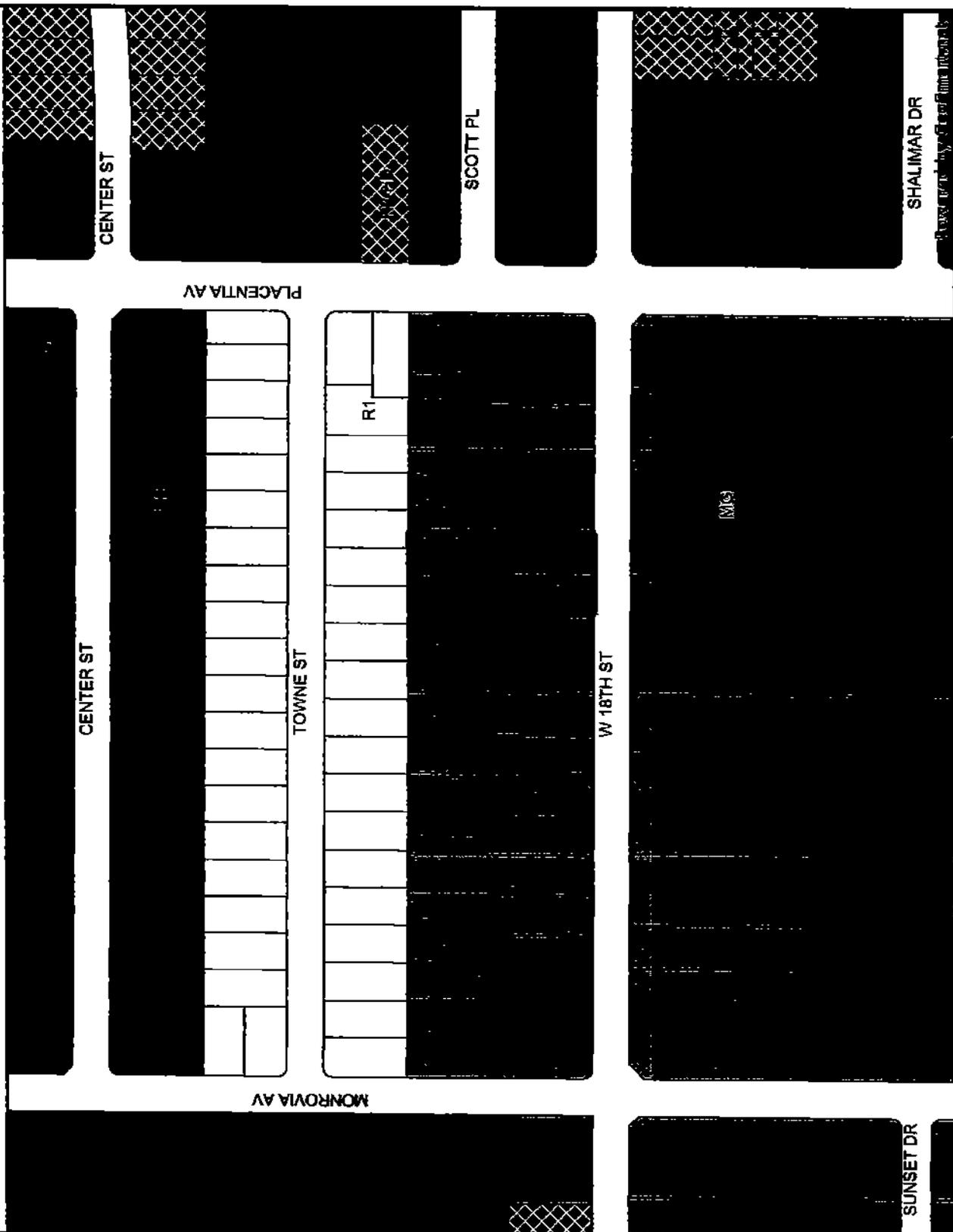
PERRY VALANTINE
Zoning Administrator

Enclosure: Conceptually-approved plans

cc: Engineering/Development Services
Fire Protection Analyst
Water District
Building Division

Wayne Miller
965 W. 18th Street
Costa Mesa, CA 92627

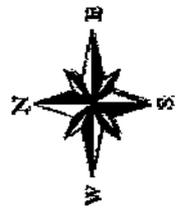
830 and 834 West 18th Street

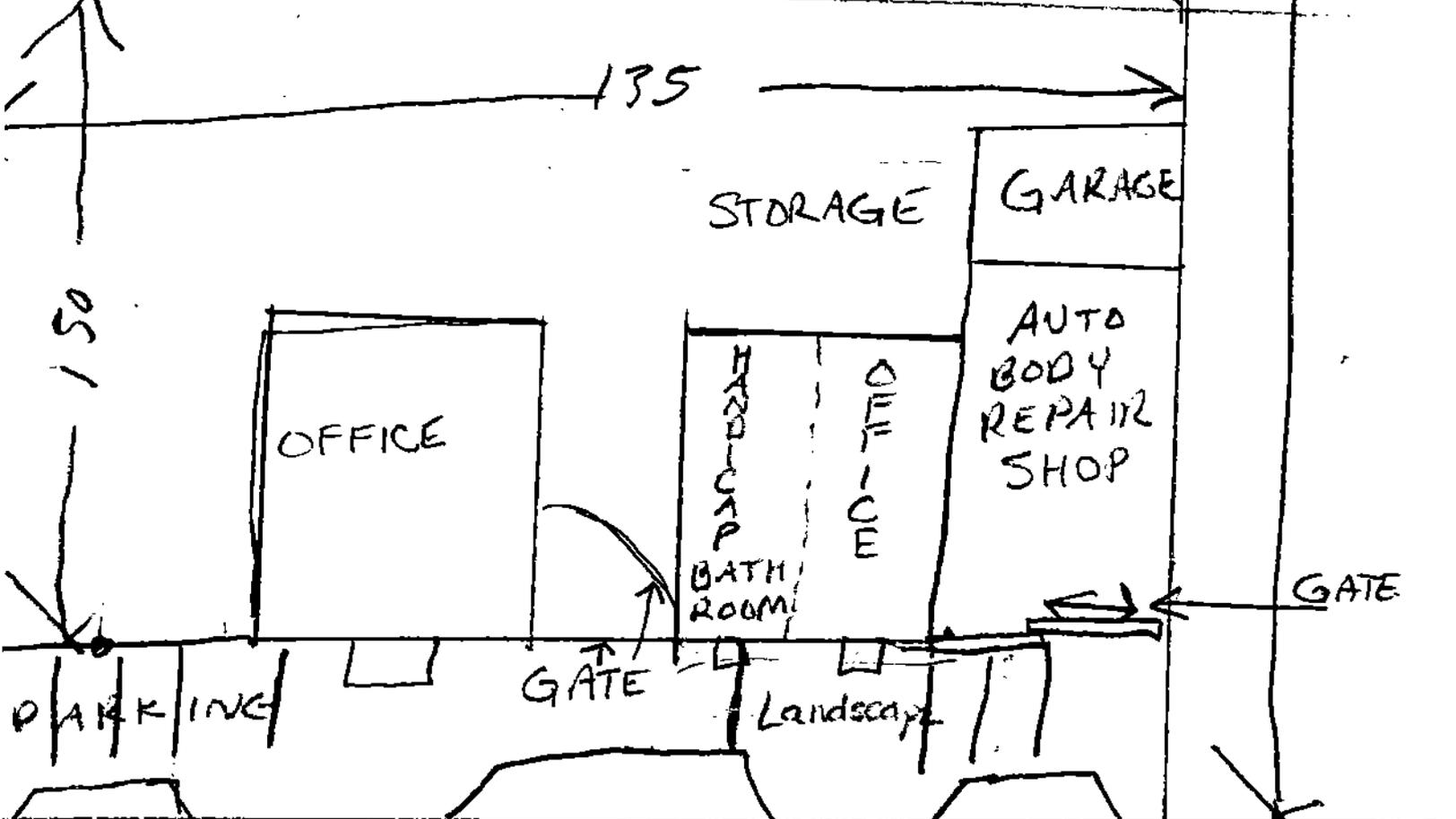
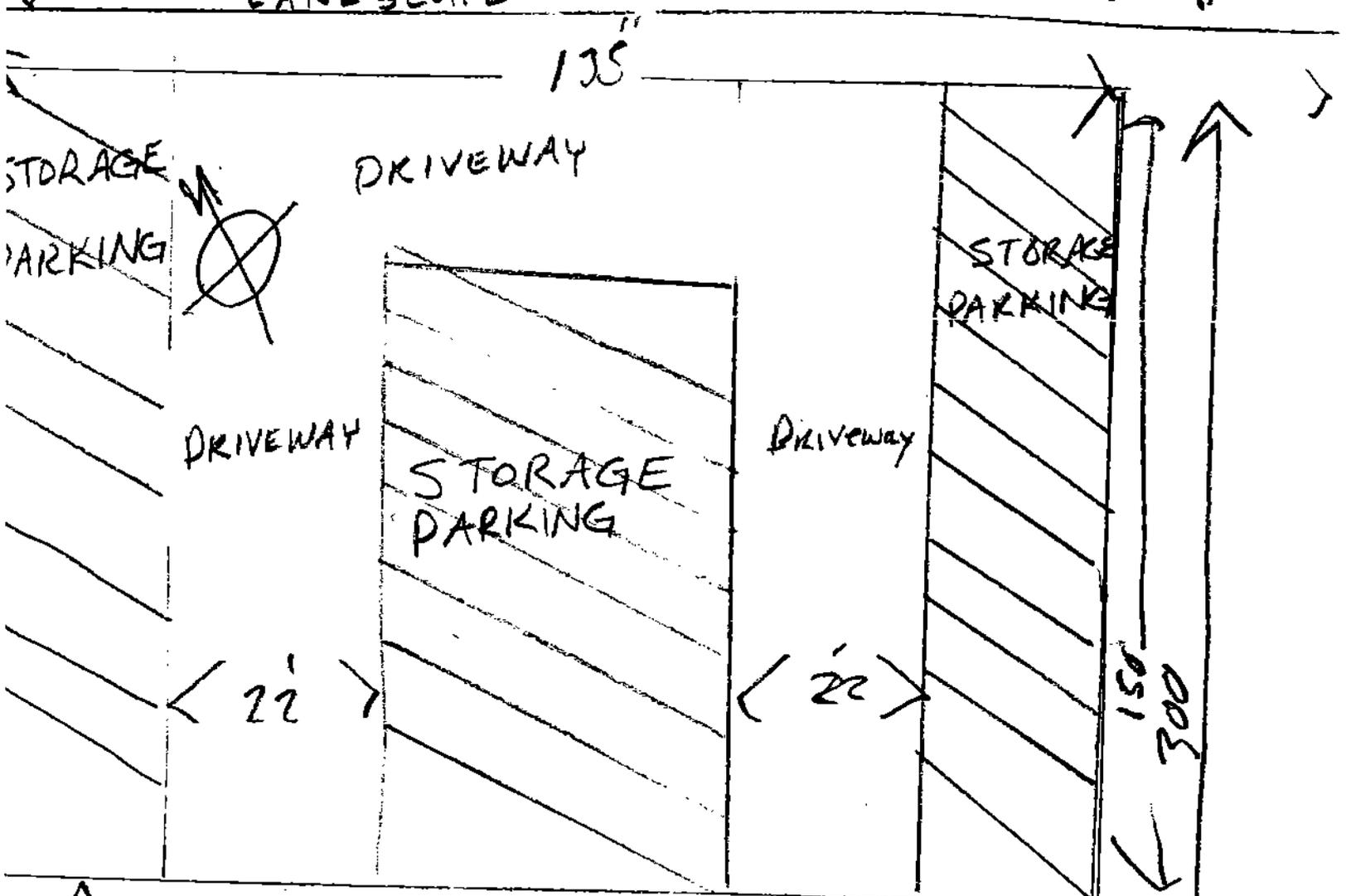


Legend

Street Names
Parcel Lines
City Boundary
Zoning

- AP
- C1
- C1-B
- C2
- CL
- EAR
- EAR-S
- MG
- MP
- P
- PDC
- PDI
- PDR-MD
- PDR-LD
- PDR-MD
- PDR-NCM
- R1
- R2-HD
- R2-MD
- R3
- TC
- Parcels



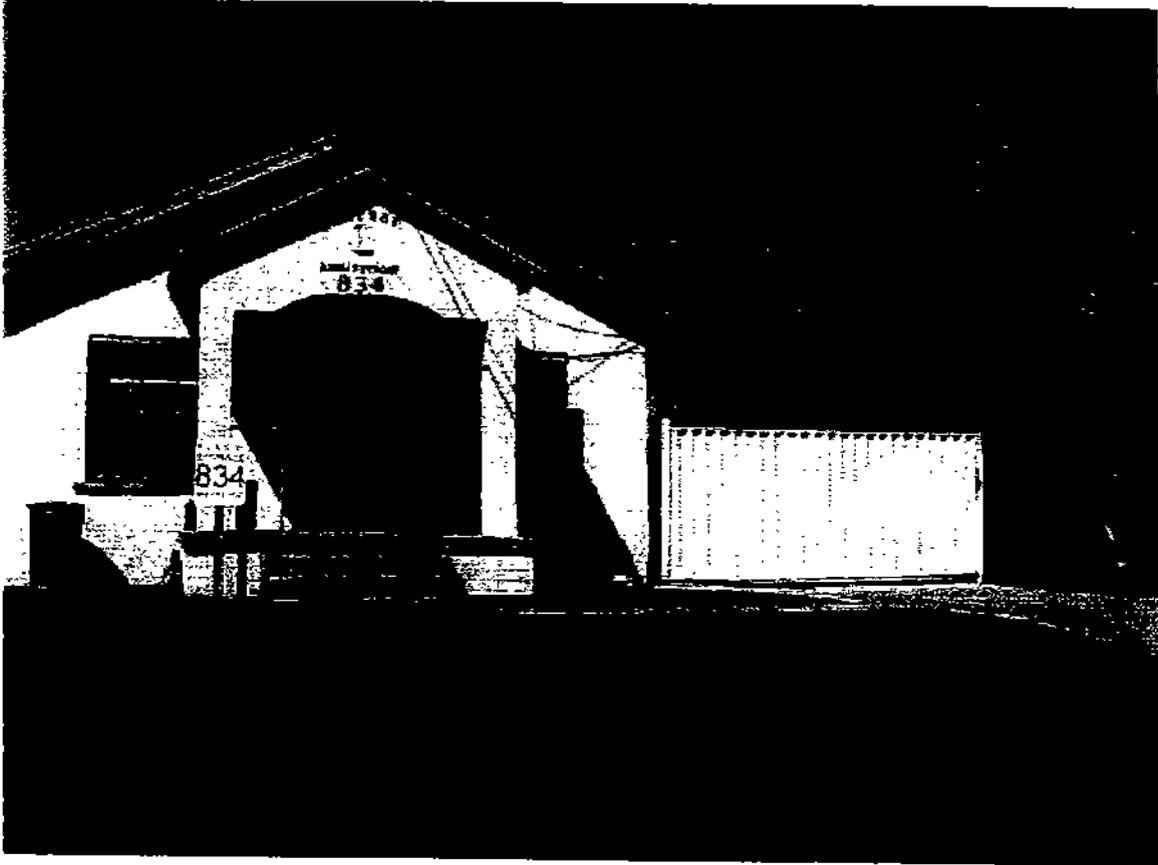


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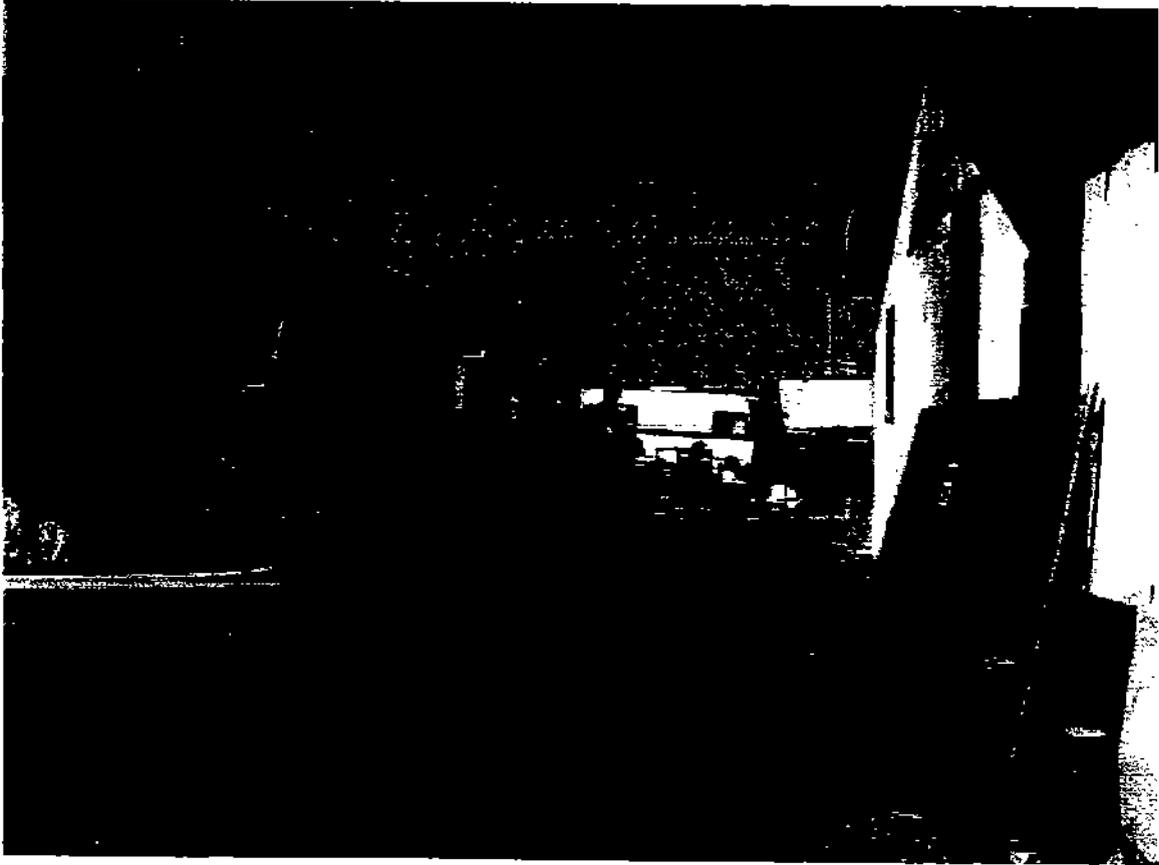
WEST 18th Street

PA-05-44

834 WEST 18TH STREET
09/13/05 AT APPROX. 1430 HRS.
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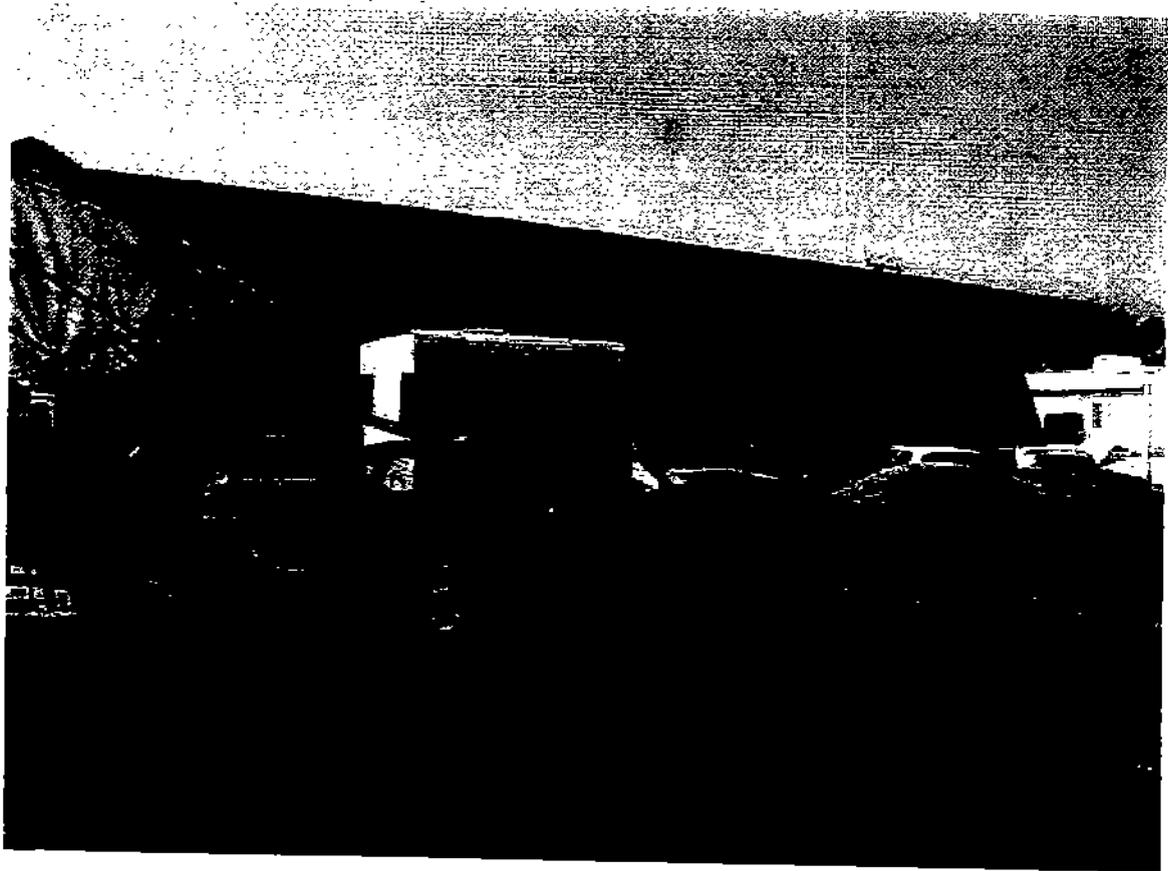
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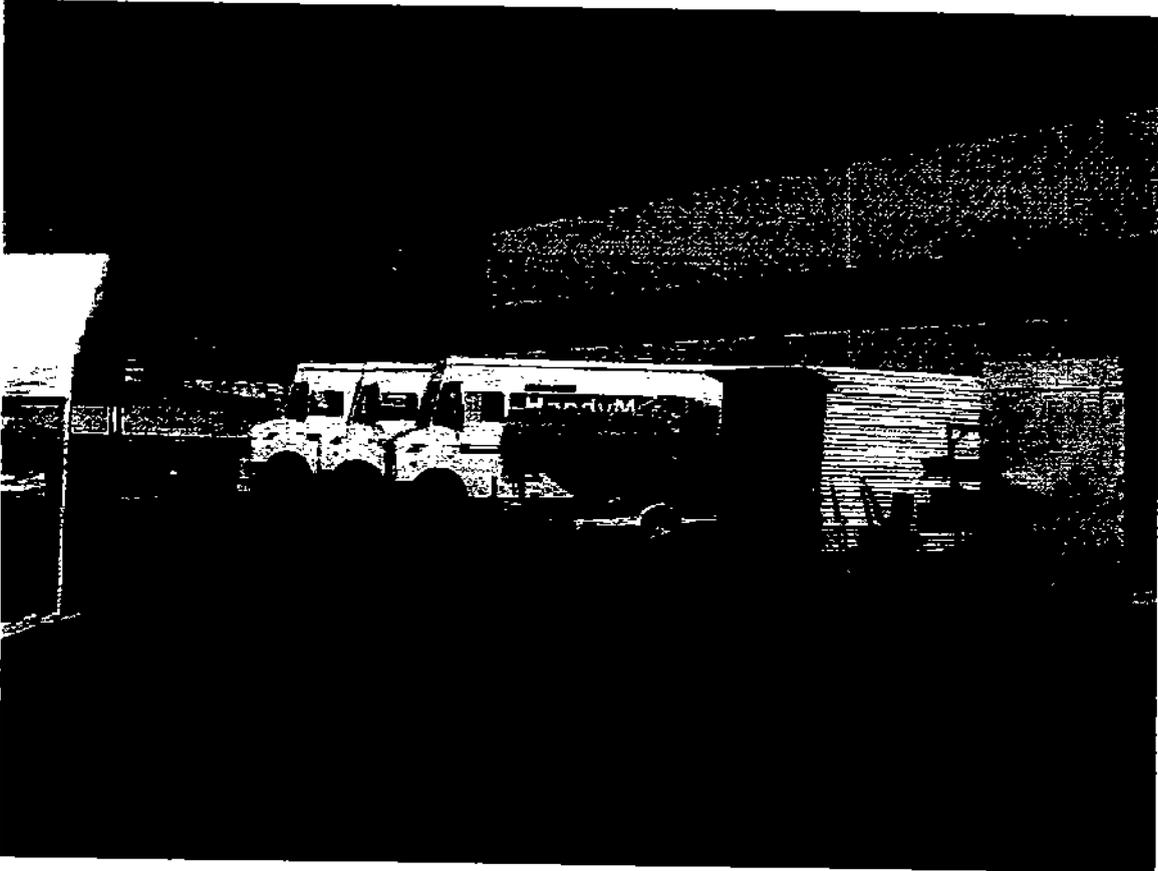
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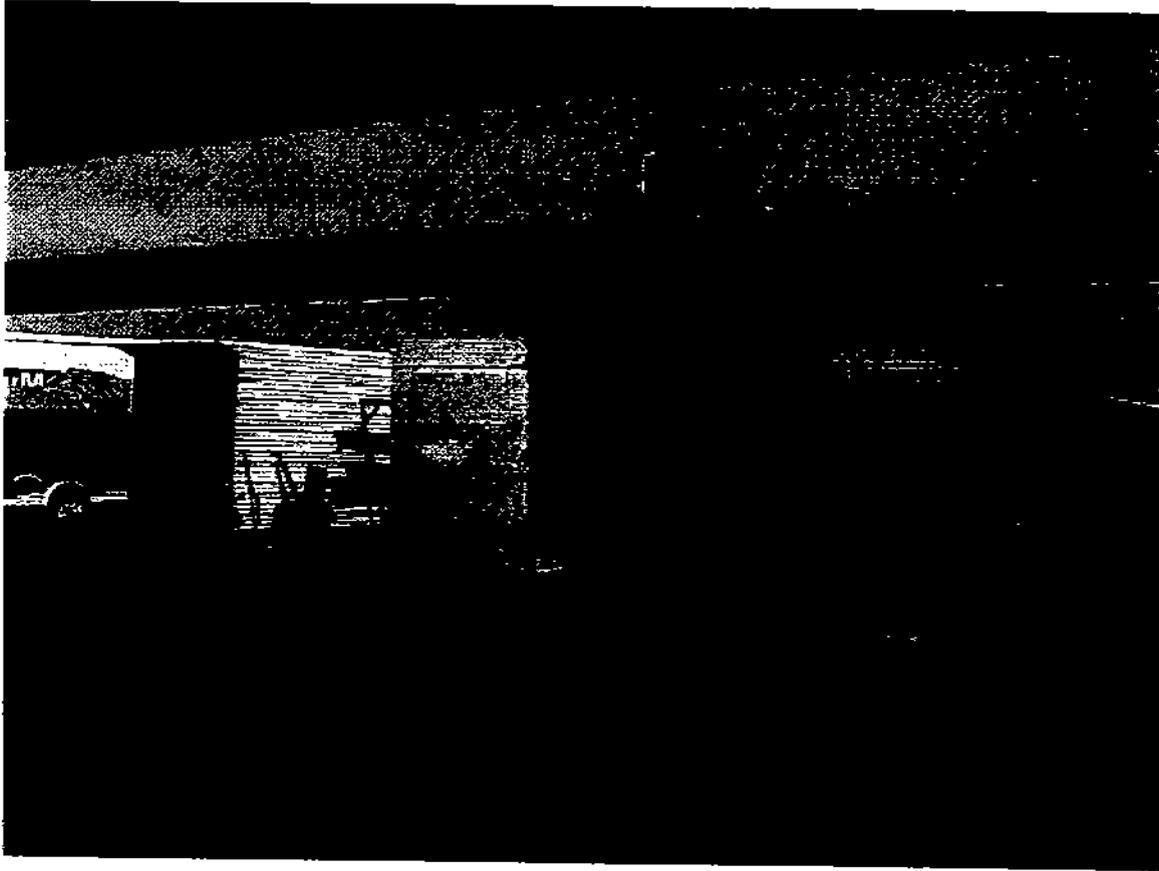
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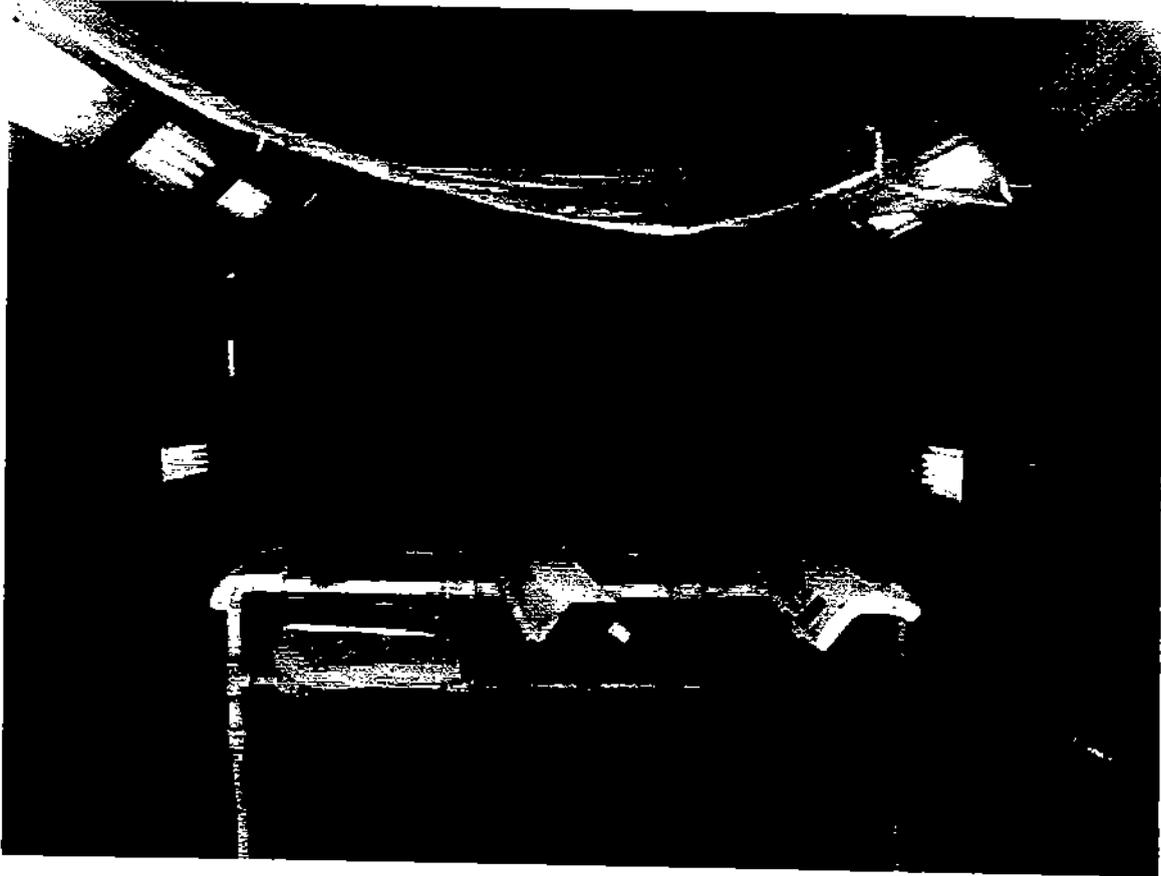
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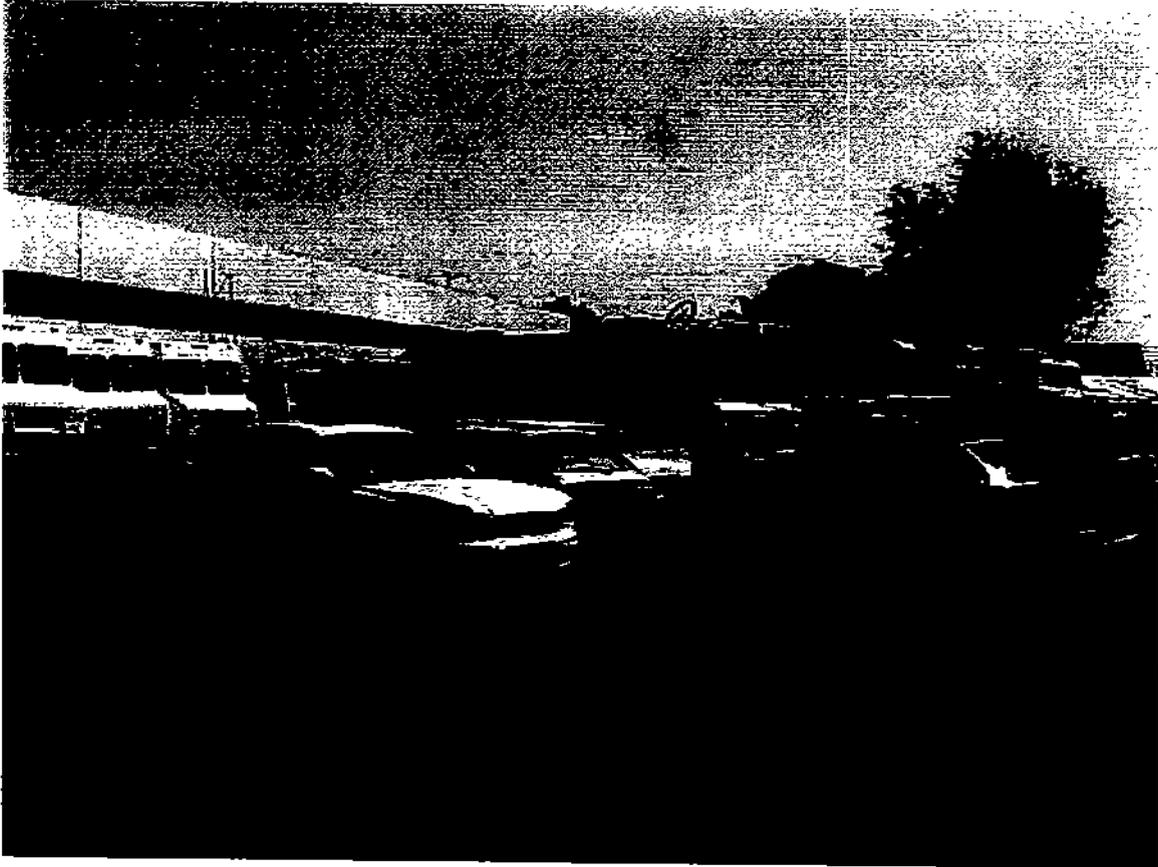
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CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

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