



PLANNING COMMISSION AGENDA REPORT

MEETING DATE: NOVEMBER 28, 2005

U.I.
ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-05-24
3048 BRISTOL STREET (PLAZA CHEVRON SERVICE STATION)

DATE: NOVEMBER 17, 2005

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

PROJECT DESCRIPTION

The applicant is requesting approval of a conditional use permit to allow the construction of a new gas station with a convenience store and a car wash, and approval of variances from street setback landscape requirements.

APPLICANT

Mark Rodriguez is representing the property owner, Mendez Automotive Services.

RECOMMENDATION

Deny PA-05-24 by adoption of Planning Commission resolution.


WENDY SHIH
Associate Planner


R. MICHAEL ROBINSON, AICP
Asst. Development Services Director

BACKGROUND

The property is located on the southeast corner of Bristol Street and Paularino Avenue. It was developed with a gasoline station, including auto repair service. In 1988, Conditional Use Permit PA-88-67 was approved to allow the conversion of the sales office to a 450 square-foot mini-mart. In 1990, Planning Commission approved Conditional Use Permit PA-90-50 to allow the concurrent sale of alcoholic beverages (beer and wine) for off-site consumption.

DISCUSSION

The applicant proposes to demolish all existing improvements on the property and construct a 2,000 square-foot convenience store (including the previously approved sale of alcoholic beverages), a 1,087 square-foot car wash tunnel, and fuel canopy with 5 pump islands. Variances to allow reduced landscape setbacks (20 feet required along both street frontages; 10 feet proposed along Bristol Street and 15 feet proposed along Paularino Avenue) are also requested to accommodate the proposed construction.

The applicant did not provide written justification for the landscape setback variances. However, he did indicate that a 20-foot pipeline easement across the property limits site configuration. The existing 10-foot planter along Bristol Street will be extended towards the corner of the property since the northerly driveway is proposed to be closed. The 5-foot planter along Paularino Avenue will be increased to 15 feet.

Staff believes that although the applicant proposes to increase existing setback landscaping, there are no special circumstances applicable to the property to justify approval of landscape setback variances for new construction, which are created by the combined proposed convenience store, car wash tunnel and fuel canopy. The property exceeds Code requirements for minimum lot width and lot area and is flat and square in size. It is staff's opinion that approval of the deviation would constitute a grant of special privileges inconsistent with the limitation upon other properties. It is also staff's opinion the proposed construction is too intensive for the site and the proposed landscape setbacks are inconsistent with recent developments in the area. The property across Bristol Street to the west at 3045 Bristol Street was developed in 2001 with an Oil Stop oil change facility that complies with all applicable commercial development standards, including landscape setback requirements. The property at 3067 Bristol Street contains a Union 76 gasoline service station with a Circle K convenience store. A variance for a 10-foot landscape setback along a portion of Paularino Avenue was approved in April 2000, when service bays were converted to a convenience store. However, the reduction in landscape setback was required to provide adequate on-site access due to a Transportation Services Division condition requiring closure of the easterly driveway.

A 20-foot pipeline easement exists through the middle of the property. However, deletion of the car wash tunnel and slight adjustments to the site configuration would

allow for adequate landscape setbacks. Staff does not feel that the easement is sufficient justification for the variances because the amount of activities and building coverage proposed well exceeds the Oil Stop and Union 76 properties. The chart below compares proposed and existing developments:

Address	Lot Size	Activities	Building Footprint*
3048 Bristol (Chevron)	22,262 sq.ft.	Convenience store, car wash, and gasoline sales.	3,087 sq.ft. plus 2,566 sq.ft. fuel canopy
3067 Bristol (Union 76)	22,500 sq.ft.	Convenience store and gasoline sales.	2,600 sq.ft. plus 1,800 sq.ft. fuel canopy
3045 Bristol (Oil Stop)	17,955 sq.ft.	Oil change facility	2,000 sq.ft.

* Note: This is not gross floor area (GFA) as defined in the Zoning Code (car wash tunnel with opening on both ends is not counted towards GFA). This is the amount of actual building footprint on the property.

It is staff's opinion that a Code-compliant project is important not only because there is no justification for variances, but especially because the property is also a gateway into the South Coast Plaza and Pacific Arts Plaza areas to the north.

ENVIRONMENTAL

An Initial Study/Mitigated Negative Declaration was prepared in accordance with the California Environmental Quality Act (CEQA) and made available for public review from November 8, 2005, to November 28, 2005. The Initial Study/Mitigated Negative Declaration concluded that any potential impacts could be reduced to levels of insignificance with implementation of mitigation measures, standard State and City of Costa Mesa Code requirements, and conditions of approval.

The State of California Department of Toxic Substances Control lists the property as a hazardous waste and substance site because the existing underground fuel tanks are leaking fuel. If the project is approved, the applicant will be required to obtain a case closure letter from the Orange County Health Care Agency, indicating that the site has been adequately remediated, prior to issuance of building permits.

CEQA does not require adoption of the Mitigated Negative Declaration for projects which are denied. Since staff is recommending denial of the project, no recommendation on the Mitigated Negative Declaration provided. However, should Commission wish to approve the project, it must first adopt the Mitigated Negative Declaration.

ALTERNATIVES

If the landscape variances are denied, the property may not be developed as proposed. A similar request may not be submitted within 6 months.

If the proposal is approved with the necessary findings for approval and conditions, the property may be constructed as proposed. It will also be necessary for the Planning Commission to approve the Mitigated Negative Declaration.

CONCLUSION

Although the proposed construction will not have adverse impacts on the environment, it is staff's opinion that there are no special circumstances relating to the property to justify approval of the landscape setback variances. It is staff's opinion that re-construction of the service station should comply with all applicable commercial development standards, not only because there is no justification for the variances, but also because project area is a gateway into the South Coast Plaza and Pacific Arts Plaza areas to the north. A project that is Code-compliant would contribute to a positive image for commercial properties along Bristol Street.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" – Findings
 Exhibit "B" – Conditions of Approval
 Applicant's Project Description and Justification
 Location Maps
 Plans
 Initial Study/Negative Declaration

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

Marylou Mendez
3048 Bristol Street
Costa Mesa, CA 92626

Mark Rodriguez
331 Holgate Street
La Habra, CA 90631

RESOLUTION NO. PC-05-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-05-24**

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

WHEREAS, an application was filed by Mark Rodriguez for Mendez Automotive Services, owner of real property located at 3048 Bristol Street, requesting approval of a conditional use permit to allow the construction of a new gas station with a convenience store and a car wash tunnel, to replace an existing gas station with a convenience store and auto service building, with variances from street setback landscape requirements (20 feet required; 10 feet proposed along Bristol Street and 15 feet proposed along Paularino Avenue); and,

WHEREAS, a duly noticed public hearing was held by the Planning Commission on November 28, 2005.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," the Planning Commission hereby **DENIES** Planning Application PA-05-24 with respect to the property described above.

PASSED AND ADOPTED this 28th 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)(1) in that no special circumstances applicable to the property exist to justify approval of the landscape setback variances. The subject property conforms to Code standards for lot width and lot size. Although there is an existing pipeline easement across the property, the variances are created by the proposed construction or number of activities, which is intensive for the site's size and inconsistent with other similar lots in the area. Approval of the variances would constitute a grant of special privileges inconsistent with the limitation upon other properties in the vicinity and zone in which the property is situated.
- B. The information presented complies with Costa Mesa Municipal Code Section 13-29(g)(2) in that the proposed use (gasoline service station with convenience store and car wash) is substantially compatible with developments in the same general area and would not be materially detrimental to other properties within the area. However, since variance findings cannot be made for the proposed construction, the conditional use permit cannot be approved.
- C. The proposed project does not comply with Costa Mesa Municipal Code Section 13-29 (e) because:
- a. The proposed use and construction are not compatible and harmonious with the surrounding properties.
 - b. The project is not consistent with the General Plan.
 - c. The planning application is for a project-specific case and does not establish a precedent for future development.
 - d. The cumulative effect of all the planning application has been considered.

EXHIBIT "B"**CONDITIONS OF APPROVAL (If project is approved)**

- Plng. 1. Street addresses shall be displayed on the freestanding sign or, if there is no freestanding sign, on the fuel canopy or store front adjacent to the main entrance of the building, in a manner visible to the public street. Numerals shall be a minimum 12" in height with not less than 3/4" stroke and shall contrast sharply with the background.
2. Exterior elevations with sample color/materials board shall be submitted for pre-plan check review and approval by the Planning Division. Once the exterior elevations have been reviewed and approved by the Planning Division, the exterior elevations shall be incorporated into the plan check drawings.
3. Cornices and other architectural elements shall be wrapped around to the side and rear of building facades.
4. No exterior roof access ladders, roof drain scuppers, or roof drain downspouts shall be permitted.
5. The subject property's ultimate finished grade level may not be filled/raised in excess of 30" above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable onsite stormwater flow to a public street, an alternative means of accommodating that drainage shall be approved by the City's Building Official prior to issuance of any grading or building permits. Such alternatives may include subsurface tie-in to public stormwater facilities, subsurface drainage collection systems and/or sumps with mechanical pump discharge in-lieu of gravity flow. If mechanical pump method is determined appropriate, said mechanical pump(s) shall continuously be maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
6. Show method of screening for all ground-mounted equipment (backflow prevention devices, Fire Department connections, electrical transformers, etc.). Ground-mounted equipment shall not be located in any landscaped setback visible from the street, except when required by applicable uniform codes, and shall be screened from view, under the direction of Planning Division.
7. All rooftop mechanical equipment shall be screened under the direction of the Planning Division.
8. SCAQMD Rule 403 shall be adhered to, ensuring the clean up of construction-related dirt on approach routes to the site. Rule 403 prohibits the release of fugitive dust emissions from any active operation, open storage pile, or disturbed surface area beyond the property line of the emission source. Particulate matter deposits on public roadways are also prohibited.
9. Adequate watering techniques shall be employed to partially mitigate the impact of construction-generated dust particulates. Portions of the project

site that are undergoing earth moving operations shall be watered such that a crust will be formed on the ground surface and then watered again at the end of the day

10. Grading operations shall be suspended during first and second stage ozone episodes or when winds exceed 25 mph.
- * 11. Applicant shall obtain permits from the Costa Mesa Fire Prevention Bureau and Orange County Health Care Agency for removal of the tanks. A case closure letter from the Hazardous Materials Management Section of the agency, indicating that the project site has been adequately remediated, shall be submitted to the Planning Division prior to the issuance of building permits.
12. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-05-24 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
13. The applicant shall contact the Planning Division to arrange for a Planning inspection of the site prior to the release of occupancy/utilities. This inspection is to confirm that the conditions of approval and code requirements have been satisfied.
14. 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.
15. 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.
- Eng. 16. Maintain the public Right-of-Way in a "wet-down" condition to prevent excessive dust and remove any spillage from the public Right-of-Way by sweeping or sprinkling.
- * Mitigation measure.



CITY OF COSTA MESA

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DEVELOPMENT SERVICES DEPARTMENT

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