



# **PLANNING COMMISSION AGENDA REPORT**

VI.7

MEETING DATE: JANUARY 28, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-07-44  
SOUTHSIDE TOWING – 1640 BABCOCK STREET**

**DATE: JANUARY 17, 2008**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER  
714.754.5136**

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## **DESCRIPTION**

The applicant proposes to conduct vehicle auctions at a tow yard previously approved under ZA-07-27.

## **APPLICANT**

John Vach is the authorized agent for the property owner, Marilyn Huscroft.

## **RECOMMENDATION**

Deny by adoption of Planning Commission resolution.

  
\_\_\_\_\_  
WILLA BOUWENS-KILLEEN, AICP  
Principal Planner

  
\_\_\_\_\_  
KIMBERLY BRANDT, AICP  
Asst. Development Services Director

## **BACKGROUND**

The applicant recently received Planning Commission approval (under appeal) to expand his towing business at the subject property under ZA-07-27. During processing of the project it became apparent that towed vehicles, not claimed within a legally specified time period, were being auctioned from the site. Because auction businesses are not a permitted use in the City, condition of approval number 9 of ZA-07-27 required the applicant apply for a CUP if they wished to continue to auction or otherwise sell vehicles from the property.

The applicant states that the auctions take place approximately once a week and that they anticipate selling 15 to 20 vehicles a week, depending on volume and future business. Approximately 10 to 15 people attend the auction. The auctions typically last 2 hours with the first hour for vehicle viewing; the auction takes place during the second hour. After the auction, the purchased vehicles are either towed or driven off the site. The applicant states that they have been conducting these auctions for approximately 7 years. (The towing use was originally approved for this site under ZA-00-55 in April 2001.)

## **ANALYSIS**

State law allows tow companies to auction vehicles not claimed within a legally specified time period. However, State law does not require the auctioning to take place at the tow company's impound yard.

Staff feels that the auctioning of vehicles is not an appropriate use for this site. Auctioning is a retail use and this property is industrially zoned. Furthermore, the property is located within the Mesa West Bluffs Urban Plan area, an overlay zone that encourages visual enhancement and the development of live-work units or residential uses. Planning Commission recently approved a master plan for 7-acre property across Babcock Street to the west, at 1640 Monrovia Avenue, for a mixed-use (residential, live/work, and industrial office) development. The towing business, as conditioned by Planning Commission, would not negatively impact the long term goals of the urban plan due to the limited site improvements and future tenants across Babcock Street, staff believes that the vehicle auctions would further intensify the use, making it less appropriate for the site.

It has been stated that other towing businesses auction vehicles from their impound yards; however, such an activity would have to be specifically stated within the approved Conditional Use Permits. Furthermore, A and B Towing, located at 2956 Randolph Avenue, was specifically prohibited from conducting auto auctions from their site. Therefore, unless specifically requested by the applicant and approved by the Planning Commission in a conditional use permit, conducting vehicle auctions from other impound lots is prohibited.

## **GENERAL PLAN CONFORMITY**

The proposed use is not consistent with General Plan Objective LU-1B, which calls for ensuring the long term productivity and viability of the community's economic base. Auction uses are commercial in nature and are more appropriately placed in a commercial zone.

**ALTERNATIVES**

If Planning Commission approves this request, vehicle auctions would be allowed, subject to the adopted conditions of approval and applicable code requirements.

If Planning Commission denies this request, vehicle auctions would be prohibited and a similar application could not be submitted for 6 months.

**ENVIRONMENTAL DETERMINATION**

The project is exempt from the provisions of the California Environmental Quality Act under Section 15301 -- Existing Uses.

**CONCLUSION**

It is staff's opinion that the proposed vehicle auctions, as a commercial use, are not appropriate for the subject property with its industrial zone. Furthermore, approval would intensify the towing business, which is located across Babcock Street from a recently approved mixed-use development.

Attachments: Draft Planning Commission Resolution

Exhibit "A" - Draft Findings

Exhibit "B" - Draft Conditions of Approval

Applicant's Project Description and Justification

Location Map

Plans

Distribution: Deputy City Mgr.-Dev. Svs. Director  
Sr. Deputy City Attorney  
Public Services Director  
City Engineer  
Fire Protection Analyst  
Staff (4)  
File (2)

Marilyn Huscroft  
519 36<sup>th</sup> Street  
Newport Beach, CA 92663

John Vach  
1463 N. Red Gum Street  
Anaheim, CA 92806

File: 012808PA0744	Date: 011708	Time: 9:00 a.m.
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**RESOLUTION NO. PC-08-**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA DENYING CONDITIONAL USE PERMIT  
PA-07-44**

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

WHEREAS, an application was filed by John Vach, authorized agent for Marilyn Huscroft, with respect to the real property located at 1640 Babcock Street, requesting approval of a conditional use permit for vehicle auctions in the MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on January 28, 2008.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby **DENIES** Conditional Use Permit PA-07-44 with respect to the property described above.

**PASSED AND ADOPTED this 28<sup>th</sup> day of January, 2008.**

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Donn Hall, Chair,  
Costa Mesa Planning Commission



EXHIBIT "A"

FINDINGS

- A. The information presented does not substantially comply with Costa Mesa Municipal Code section 13-29(g)(2)347 in that the proposed vehicle auctions are not substantially 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. Specifically, the proposed vehicle auctions, as a commercial use, are not appropriate for the subject property with its industrial zone. Furthermore, approval would intensify the towing business, which is located across Babcock Street from a recently approved mixed-use development. Granting the conditional use permit will allow a use, density or intensity which is not in accordance with the general plan designation for the property.
- B. 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.
- C. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

**EXHIBIT "B"**  
**(If request is approved)**

**CONDITIONS OF APPROVAL**

- PIng. 1. Applicant is reminded that all conditions of approval of ZA-07-27, with the exception of condition number 9, still apply.
2. All auction customer traffic shall be from Placentia Avenue only, both to arrive and depart, and include the newly purchased vehicles, whether driven or towed from the site.
3. No more than one auction per week shall be conducted at the property.
4. The auctions shall take no longer than 2 hours.
5. A maximum of 20 vehicles per week shall be sold at each weekly auction.
6. All customer parking shall occur on site.
7. Any type of public address system is prohibited.
8. Auctions shall only occur between 8 a.m. and 5 p.m., Monday through Friday but are prohibited on federal holidays.
9. Auto repair and detailing are prohibited.
- Fire 10. Vehicles shall not be parked in the emergency access roadway.

# NOTICE OF EXEMPTION

To:  Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

From: City of Costa Mesa  
Development Services Dept.  
77 Fair Drive, P.O. Box 1200  
Costa Mesa, CA 92628

County Clerk-Recorder  
County of Orange  
P.O. Box 238, Santa Ana, CA 92702-0238

\$50 Filing Fee Attached  
 No Fee – City projects exempt from filing fee

Project Title: Planning Application PA-07-44

Project Location: 1640 Babcock Street

Costa Mesa, CA 92627

County of Orange

Description of Nature, Purpose, and Beneficiaries of Project:

Conditional Use Permit to allow auctions of vehicles.

Name of Public Agency Approving Project: City of Costa Mesa

Name and Address of Person or Agency Carrying Out Project: \_\_\_\_\_

Exempt Status: (Check One)

Ministerial (Sec. 21080(b)(1); 15268);

Declared Emergency (Sec. 21080(b)(3); 15269(a));

Emergency Project (Sec. 21080(b)(4); 15269(b)(c));

Categorical Exemption. State type and section number: \_\_\_\_\_ 15301

Statutory Exemptions. State code number: \_\_\_\_\_

Reasons why project is exempt:

Auctions will occur at an existing property that is not located in an environmentally-sensitive area. No new construction will occur to support this new use.

Lead Agency Contact Person: Wendy Shih

Phone: 714.754.5136

If filed by applicant:

1. Attach certified document of exemption finding.

2. Has a Notice of Exemption been filed by the public agency approving the project? Yes  No

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Title: \_\_\_\_\_

FISH & GAME FEES: Pursuant to Section 711.4(c)(2)(A) of the California Fish and Game Code, the project is exempt from fees since it is exempt from CEQA.

Signed by Lead Agency

Date received for filing at OPR: \_\_\_\_\_

Signed by Applicant

Filed with the County Clerk:  Yes  No

Date

Filed: \_\_\_\_\_

Form Updated September 2007

Wendy Shih  
City of Costa Mesa Planning Department  
Costa Mesa, California

November 5, 2007

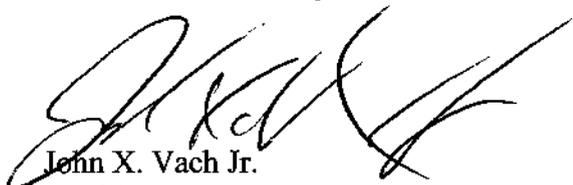
Wendy as per the planning commission's recommendation I am formally submitting for a conditional use permit for vehicle auctions at 1640 Babcock Street, Costa Mesa California, 92627. Per our argument in the planning commission hearing we are required by both California Vehicle Code and California Civil Code to auction towed or stored vehicles. The auctions will take place once a week at the above listed address. We anticipate selling approximately 15-20 cars a week depending on volume and future business. Approximately 10-15 people currently attend our auctions, all parking can take place within the facility inside the auction area, or front spaces allotted to customers in planning. The auctions will last approximately two hours the first hour viewing the vehicles, and the second hour for the actual auction. After the auction all customers will be asked to exit the facility in an orderly manner and vehicles purchased will be towed or driven off site.

We have been conducting these auctions for approximately 7 years in accordance with the guidelines set forth by the California Civil Code.

Plans Checklist answers in bullet format:

1. 1640 Babcock Street, Costa Mesa, California, 92627
2. No architect involved
3. No variation to current planning.
4. No grading plan
5. No existing trees
6. See exiting plans submitted by VR Mason Construction for development of 1640 Babcock Street, Costa Mesa, California, 92627
7. Not applicable (N/A)
8. N/A
9. N/A
10. See exiting plans submitted by VR Mason Construction for development of 1640 Babcock Street, Costa Mesa, California, 92627
11. N/A
12. -16. See exiting plans submitted by VR Mason Construction for development of 1640 Babcock Street, Costa Mesa, California, 92627
16. N/A
17. - 23. See exiting plans submitted by VR Mason Construction for development of 1640 Babcock Street, Costa Mesa, California, 92627

Should you have additional questions you can reach me ( John Vach) by phone 818-298-0703, email: [pwrply@pacbell.net](mailto:pwrply@pacbell.net) or fax 818-843-2008.



John X. Vach Jr.  
President  
P.D. Transport, Inc. DBA Southside Towing

### Overview Map



### Legend

Address  
Large

Address  
Points

Roads



Major  
Newport BLVD



Freeway

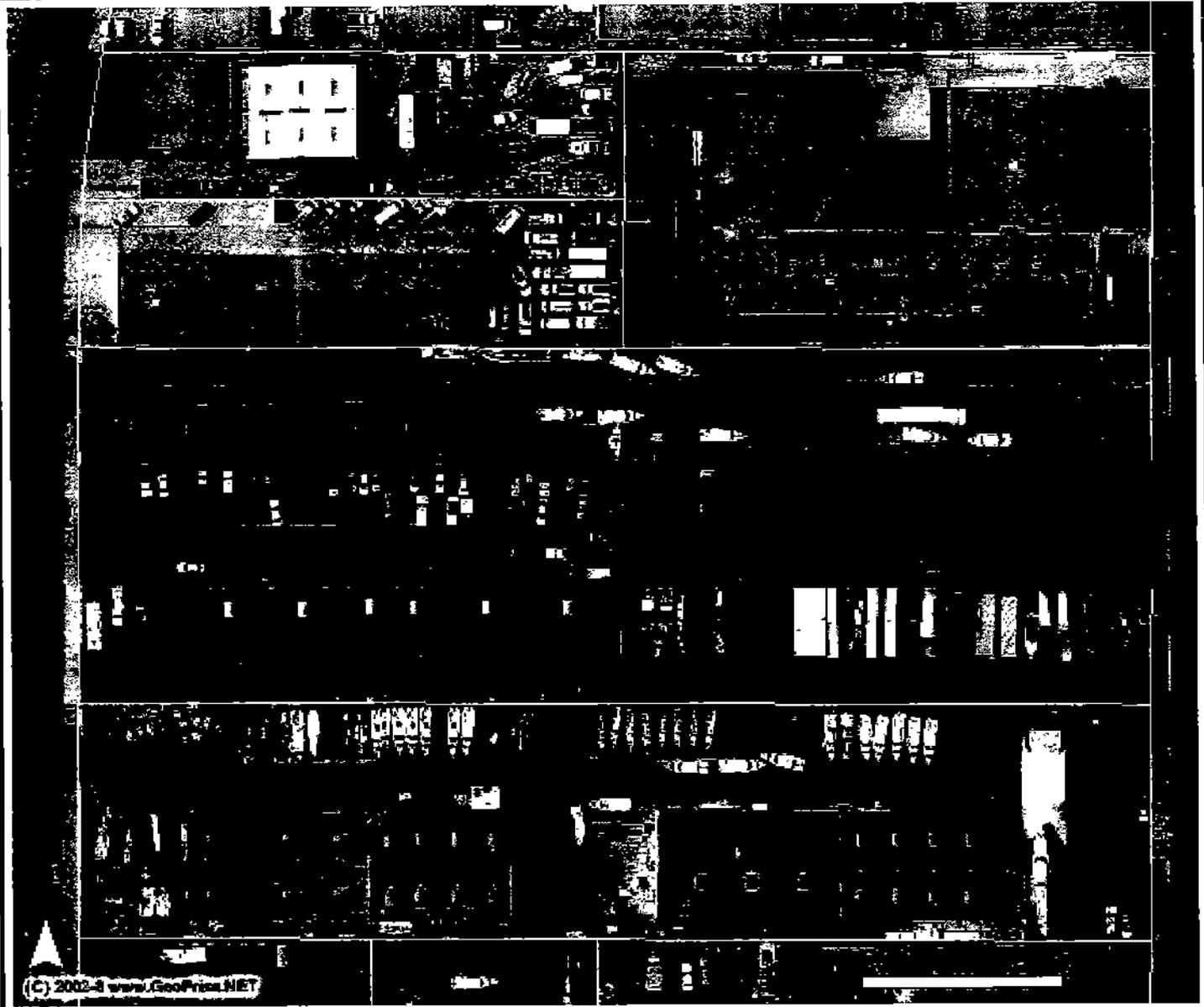


Collector  
Freeway  
(cont)

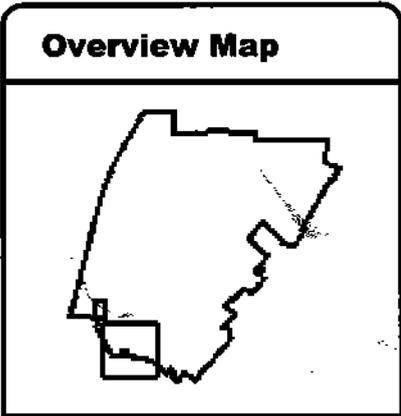


Primary  
(cont)

### Map Display



(C) 2002-8 www.GeoPrise.NET



### Legend

Address Large	Freeway	Newport BLVD Primary	Hydrology Channels
Address Points	Collector Freeway	SECONDARY Waterway Lines	Street Names
	Major (cont)		Parcel Lines

