



PLANNING COMMISSION AGENDA REPORT

VI.3

MEETING DATE: JULY 14, 2008

ITEM NUMBER:

**SUBJECT: PLANNING APPLICATION PA-08-14 AND
REVOCATION OF ZONE EXCEPTION PERMIT ZE-81-62
2085 PLACENTIA AVENUE, SUITES 5 AND 7**

DATE: JULY 3, 2008

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

PROJECT DESCRIPTION

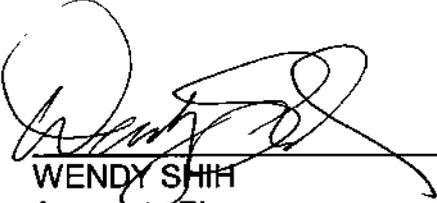
Conditional use permit for expansion of an auto repair shop (G&D Auto Collision) into Suites 5 and 7, and revocation of conditional use permit for a party equipment rental agency.

APPLICANT

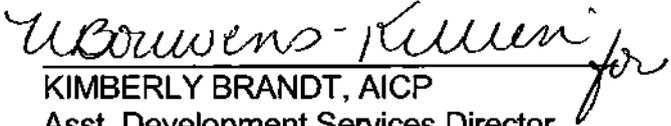
Angela Danciu is the authorized agent for property owner Belize Trust.

RECOMMENDATION

Approve PA-08-14 and revoke ZE-81-62 by adoption of Planning Commission resolution, subject to conditions.



WENDY SHIH
Associate Planner



KIMBERLY BRANDT, AICP
Asst. Development Services Director

BACKGROUND

The property is located in the Westside, within the Mesa West Bluffs Urban Plan area. It is surrounded by industrial properties to the north, south, and across Placentia Avenue to the east. Properties to the west contain single-family residences.

The lot is developed with a 16,000 square-foot industrial building containing 10 suites. Existing and approved uses are as follows:

Suite #	Use
1	Auto repair (G&D Auto Collision replaced another auto repair business)
2	Engineering firm (MRC Engineering)
3	Auto repair approved under ZE-80-16 (Reliable Motors)
4	Engineering firm (MRC Engineering)
5	Vacant (formerly party equipment rental store approved under ZE-81-62)
6	Auto repair approved under PA-04-31 (G&D Auto Collision)
7	Vacant (formerly party equipment rental store approved under ZE-81-62)
8	Auto repair (G&D Auto Collision replaced another auto repair business)
9	
10	Auto repair and limited auto sales approved under PA-88-17 (G&D Auto Collision)

The applicant is requesting approval to legalize the expansion of an auto repair shop (G&D Auto Collision) into Suites 5 and 7 (Planning staff discovered the expansion while conducting a review of ZE-81-62). A conditional use permit is required because the property is located within 200 feet of residentially zoned properties. Since the party equipment rental store in Suites 5 and 7 has been discontinued, staff is initiating revocation of ZE-81-62.

ANALYSIS

Although residential properties back up to this lot, Suites 5 and 7 are located over 200 feet away from the rear property line. G&D Auto Collision already occupies the three units at the rear of the building, closest to the residences. If the expansion is approved, all operations will be required to be conducted within the building and all activities limited to 7 a.m. to 7 p.m. per Section 13-54(b) of the Zoning Code. According to Code Enforcement records, there have been no problems reported with the existing auto repair use on the property.

GENERAL PLAN CONSISTENCY

The existing development is legal, nonconforming with respect to floor area ratio limitations (maximum 0.25 allowed for moderate/mixed traffic uses; 0.40 existing). Since auto repair is a high traffic generating use and only two suites remain containing non-auto repair uses, no additional auto repair uses may be allowed within the building in order to maintain a mix of traffic-generating uses.

The auto repair business in Suites 5 and 7 is permitted in the MG (General Industrial) zone with a conditional use permit and is, therefore, consistent with the General Plan.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Approve Planning Application PA-08-14 and revoke Zone Exception Permit ZE-81-62, which would prohibit a party equipment rental store to be re-established within Suites 5 and 7 and allow an auto repair facility to expand into those suites.
2. Deny Planning Application PA-08-14 and revoke Zone Exception Permit ZE-81-62 and, which would prohibit a party equipment rental store to be re-established within suites five and seven as well as prohibit an auto repair facility from expanding into those suites. Another use permitted in the MG (General Industrial) zone may be established. A conditional use permit request for substantially the same use (auto repair) cannot be re-submitted for six months.
3. Not revoke Zone Exception Permit ZE-81-62 with either approval or denial of Planning Application PA-08-14, which would allow a party equipment rental store to be re-established into Suites 5 and 7 at any time.

ENVIRONMENTAL DETERMINATION

The revocation is exempt from the provisions of the California Environmental Quality Act under Section 15321 for Enforcement Actions by Regulatory Agencies.

The conditional use permit is exempt from the provisions of the California Environmental Quality Act under Section 15301 for Existing Facilities.

CONCLUSION

Staff believes the auto repair shop will not negatively impact adjoining industrial and residential properties. The business is located more than 200 feet away from the residential properties to the rear. There have not been problems reported with the existing auto repair uses on the property. Additionally, Code requires that all activities be conducted inside the building with a limitation on hours of operation. Since the party equipment rental store has been discontinued, staff recommends revocation of ZE-81-62 to be replaced with approval of PA-08-14.

Attachments: Draft Planning Commission Resolution
 Exhibit "A" - Draft Findings
 Exhibit "B" - Draft Conditions of Approval
 Zoning/Location Map
 Plans
 ZE-81-62

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

Jim Miltenburg
Belize Trust
P.O. Box 5082
Balboa Island, CA 92662

Angela Danciu
2085 Placentia Ave, #10
Costa Mesa, CA 92627

File: 071408PA0814	Date: 070308	Time: 4:30 p.m.
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RESOLUTION NO. PC-08-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-08-14 AND REVOKING ZONE EXCEPTION PERMIT ZE-81-62

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

WHEREAS, an application was filed by Angela Danciu, authorized agent for property owner Belize Trust, requesting approval of a conditional use permit to expand an auto repair shop into Suites 5 and 7, located at 2085 Placentia Avenue, in an MG zone; and

WHEREAS, on March 23, 1981, the Planning Commission approved Zone Exception Permit ZE-81-62, a conditional use permit for a party equipment rental agency, located at 2085 Placentia Avenue, Suites 5 and 7, which has been discontinued; and

WHEREAS, a review for revocation of Zone Exception Permit ZE-81-62 and replacement with Planning Application PA-08-14 was conducted at a duly noticed public hearing held by the Planning Commission on July 14, 2008; and

WHEREAS, no further expansion of high traffic generating uses (i.e. auto repair facilities) may be permitted on the property because the existing development is legal, nonconforming with respect to floor area ratio limitations;

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 **REVOKES** Zone Exception Permit ZE-81-62 and **APPROVES** Planning Application PA-08-14 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa City Council does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Planning Application PA-08-14 and upon applicant's compliance with each and all of the conditions contained in Exhibit "B", as well as with compliance of all applicable federal, state, and local laws. Any approval granted by this resolution shall be subject to review, modification or revocation if there is a material

change that occurs in the operation, or if the applicant fails to comply with any of the conditions of approval.

PASSED AND ADOPTED this 14th day of July 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Kimberly Brandt, secretary to the Planning Commission of the City of Costa Mesa, do hereby certify that the foregoing Resolution was passed and adopted at a meeting of the City of Costa Mesa Planning Commission held on July 14, 2008, by the following votes:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS (APPROVAL)

- A. The proposed use complies with Costa Mesa Municipal Code Section 13-29(e) because:
1. The proposed use is compatible and harmonious with uses on surrounding properties.
 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 3. The project is consistent with the General Plan with the approval of a conditional use permit.
 4. The planning application is for a project-specific case and does not establish a precedent for future development.
- B. The information presented substantially complies with Costa Mesa Municipal Code section 13-29(g)(2) in that the proposed use is substantially compatible with developments in the same general area. Granting the conditional use permit will not be detrimental to the health, safety and general welfare of the public or other properties or improvements within the immediate vicinity. Specifically, there are other auto repair uses on the property as well as on other properties in the area. Suites five and seven are located over 200 feet away from the residential properties to the rear. The conditions of approval and Code requirements will ensure that the operation will not be disruptive to adjoining uses. Granting the conditional use permit will not allow a use, density, or intensity which is not in accordance with the general plan designation for the property.
- C. 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 under Section 15301 for Existing Facilities.
- D. 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

- Plng.
1. The conditional use permit herein approved shall be valid until revoked. 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 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. Nothing in this condition shall exempt the applicant from complying with any time limits applied to any construction authorized by this application.
 2. No further expansion of auto repair uses shall be permitted within the building unless approved by the City. The building shall maintain a mix of traffic generating uses.
 3. A land use restriction executed by and between the applicant and the City of Costa Mesa shall be recorded within 30 days of application approval to inform future property owners of the restrictions contained in the condition listed above. Applicant shall submit to the Planning Division a copy of the legal description for the property, and either a lot book report or current title report identifying the current legal property owner so that the document may be prepared.
 4. 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.
 5. The use shall be conducted, at all times, in a manner that will allow the quiet enjoyment of the surrounding properties. The applicant and/or property owner shall institute whatever security and operational measures are necessary to comply with this requirement.
 6. The project is subject to compliance with all applicable federal, state, and local laws. A copy of the applicable Costa Mesa Municipal Code requirements has been forwarded to the applicant for reference.

RESOLUTION NO. PC-08-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING PLANNING APPLICATION
PA-08-14**

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

WHEREAS, an application was filed by Angela Danciu, authorized agent for property owner Belize Trust, requesting approval of a conditional use permit to expand an auto repair shop into Suites 5 and 7, located at 2085 Placentia Avenue, in an MG zone; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 14, 2008;

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-08-14 with respect to the property described above.

PASSED AND ADOPTED this 14th day of July 2008.

Donn Hall, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (DENIAL)

- A. The proposed use does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
 - 1. The proposed use is not compatible and harmonious with uses on surrounding properties.
 - 2. Safety and compatibility of the design of the buildings, parking areas, landscaping, luminaries, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
 - 3. 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) because the proposed 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. 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.

- C. 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 under Section 15301 for Existing Facilities.

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

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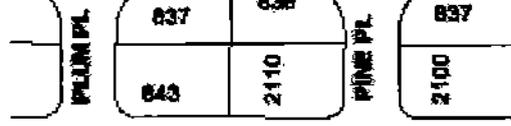
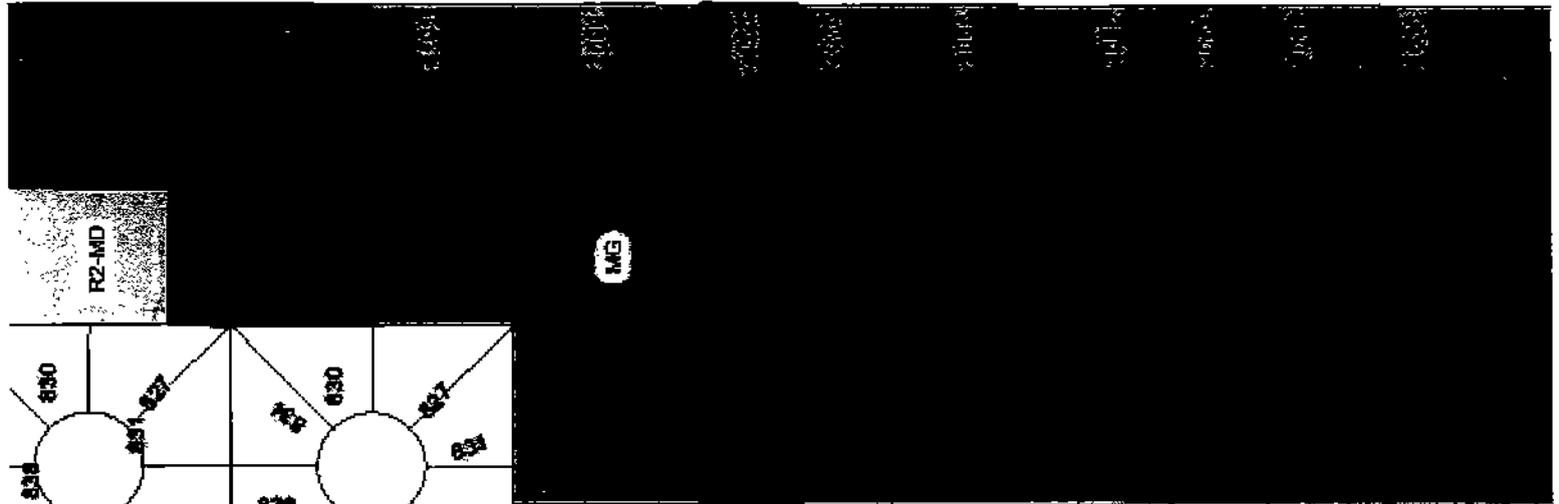
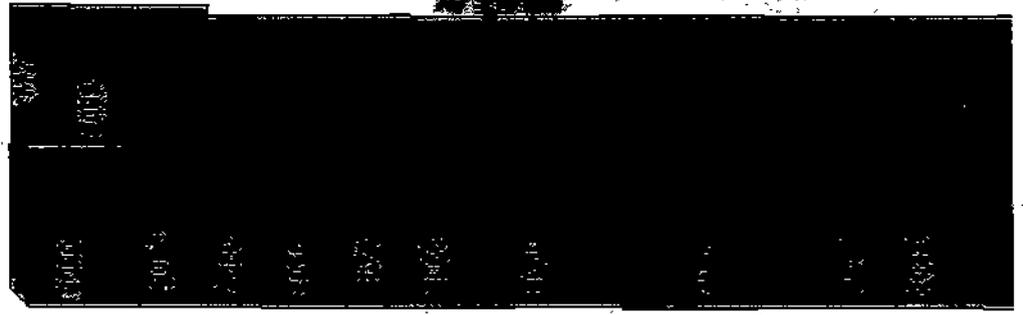
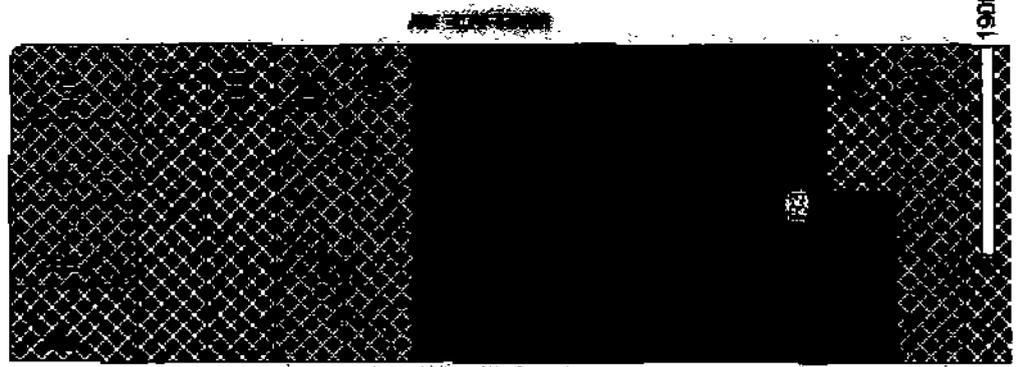
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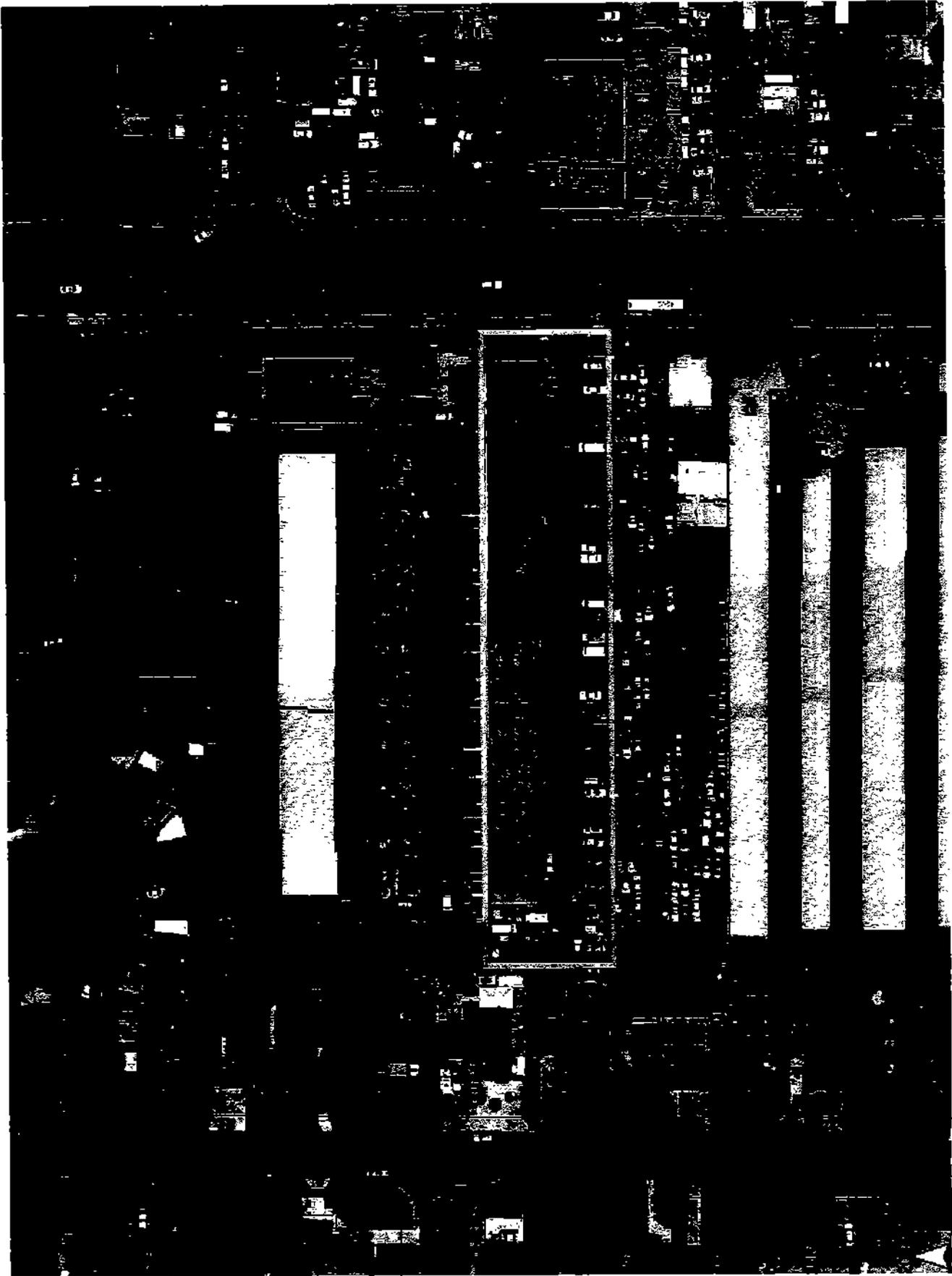
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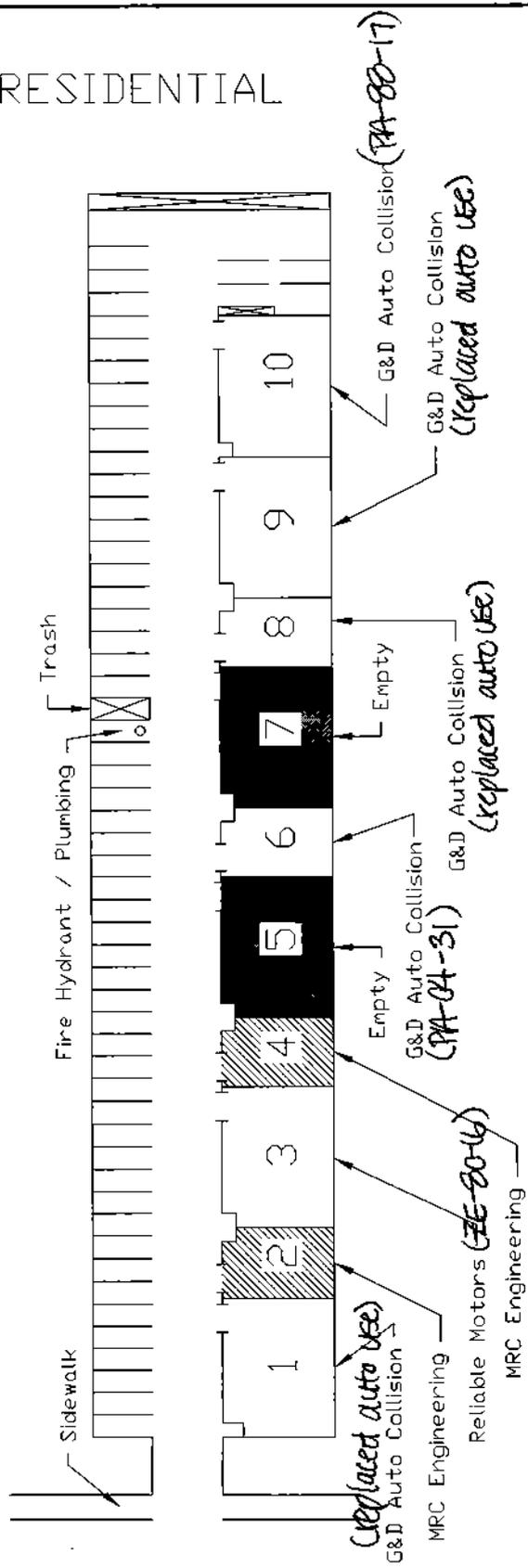
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SHEET NAME: **SITE PLAN 2085 PLACENTIA AVE UNITS 1-10**
 Company Name: **G&D AUTO COLLISION, INC**

DRAWN BY: **J PAUL TOWNLEY**
 DATE: **09/24/09**
 SCALE: **NOT TO SCALE**

RESIDENTIAL

USED AUTO PARTS YARD



- Automotive
- Non-Automotive
- APPLYING FOR

PUBLIC STORAGE

PLACENTIA AVE

PA.08.14

CHECKED	DATE

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FLOOR PLAN UNIT 5

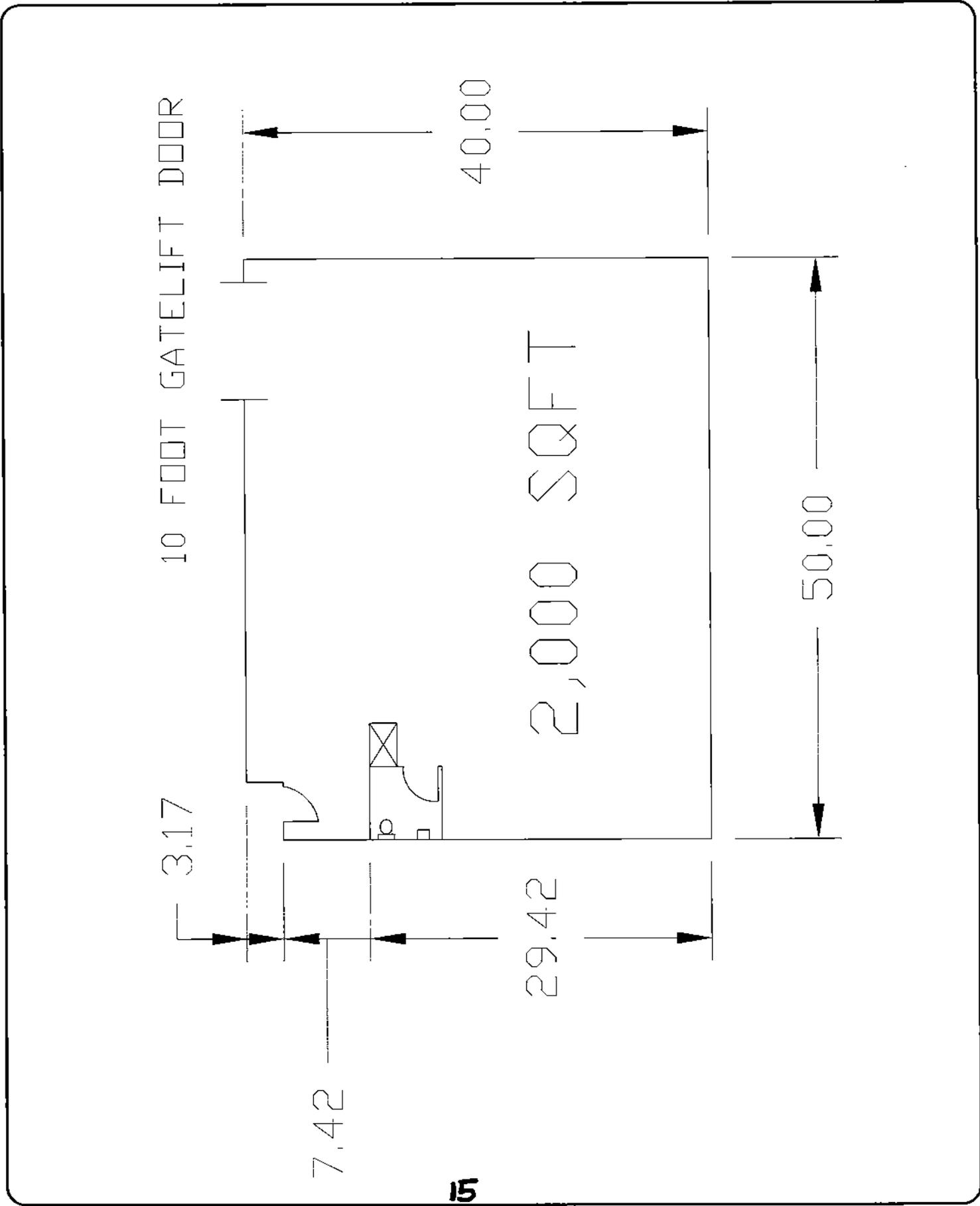
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G&D AUTO COLLISION, INC
Company Name

DRAWN BY:
J PAUL TOWNLEY

DATE: 03/2/08

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DATE: 03/2/08



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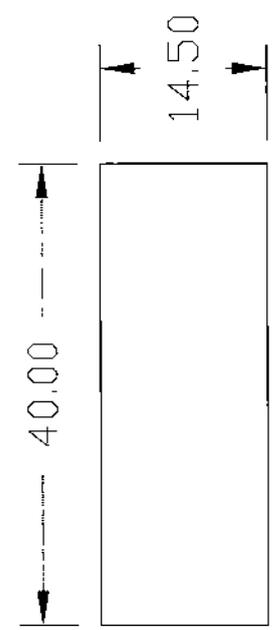
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 COMPANY NAME: _____
ELEVATION PLAN UNIT 5

DRAWN BY: J PAUL TOWNLEY

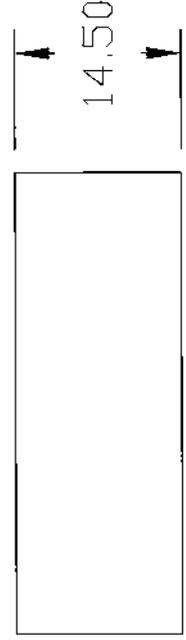
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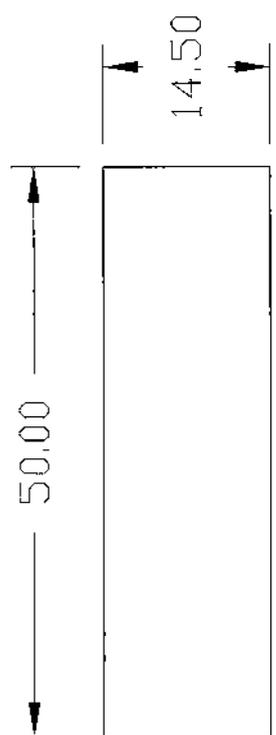
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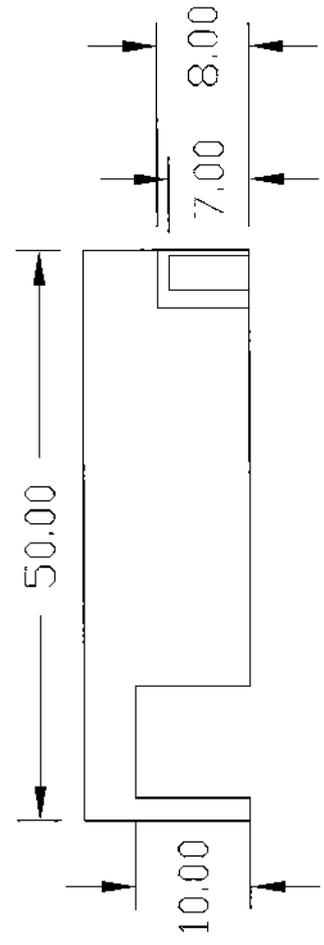
EAST VIEW



WEST VIEW



SOUTH VIEW



NORTH VIEW

REVISION	DATE

DATE: _____

FLOOR PLAN UNIT 7

G&D AUTO COLLISION, INC.
Company Name

SHEET NAME: _____

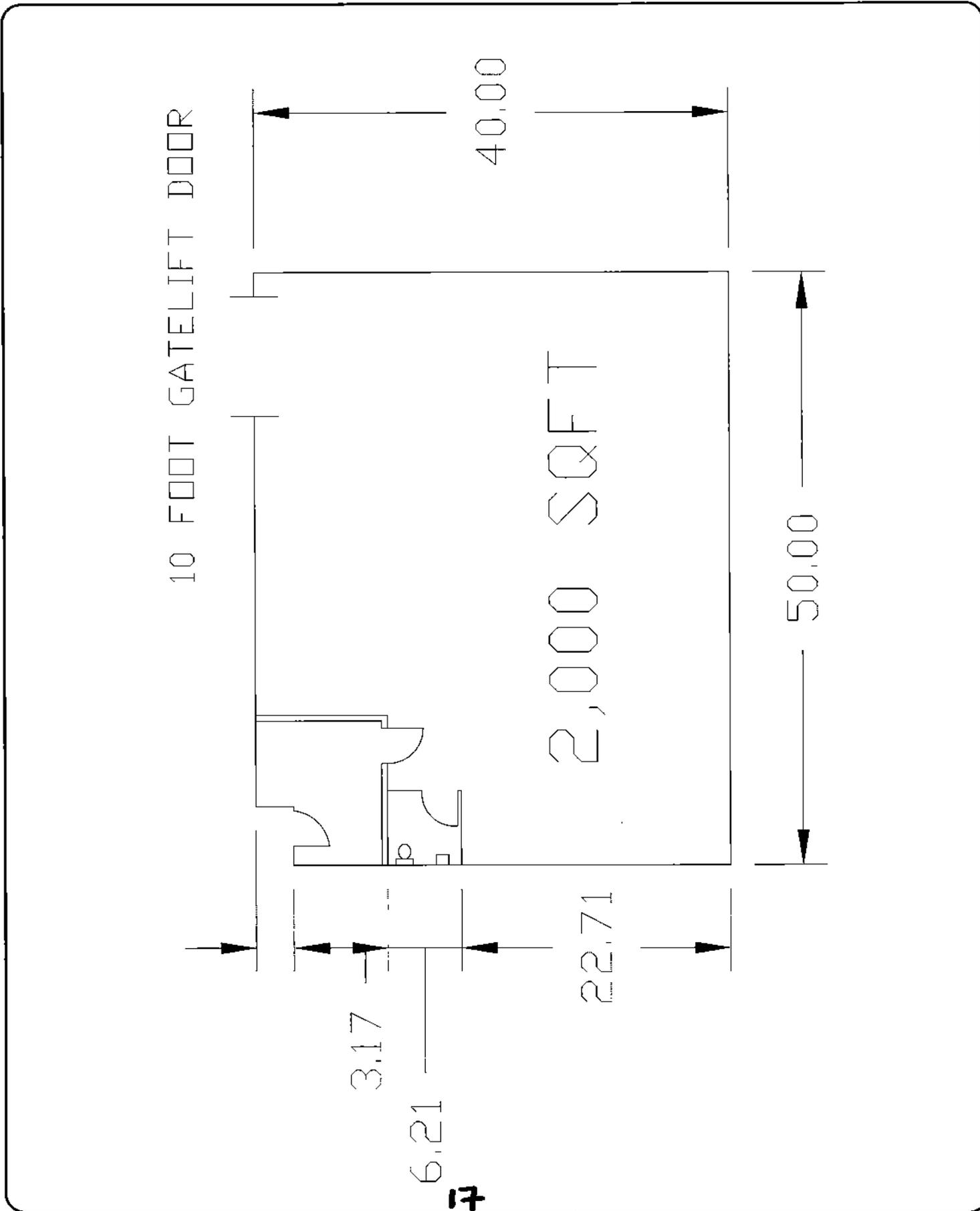
DRAWN BY: PAUL TOWNLEY

DATE: 03/24/08

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CHECKED	DATE

DATE: _____

ELEVATION PLAN UNIT 7

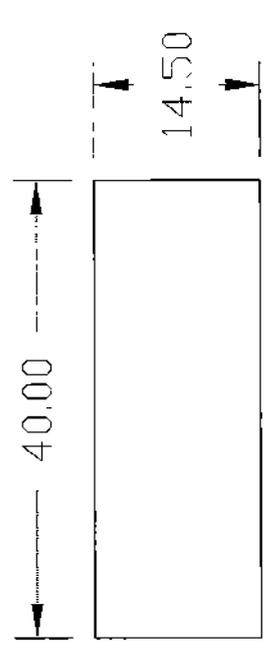
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Company Name

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J PAUL TOWNLEY

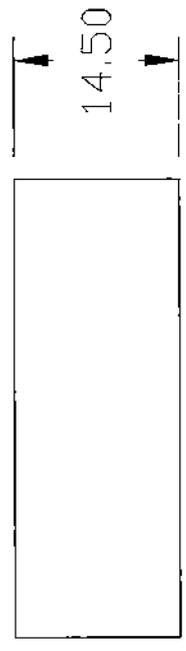
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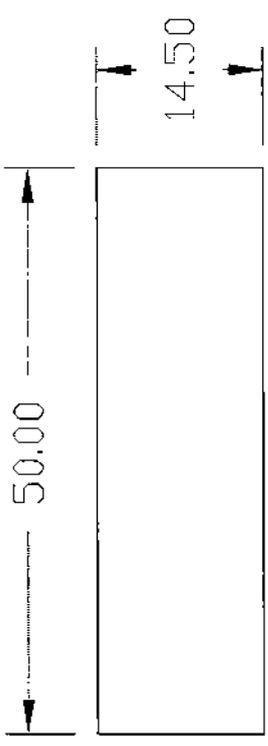
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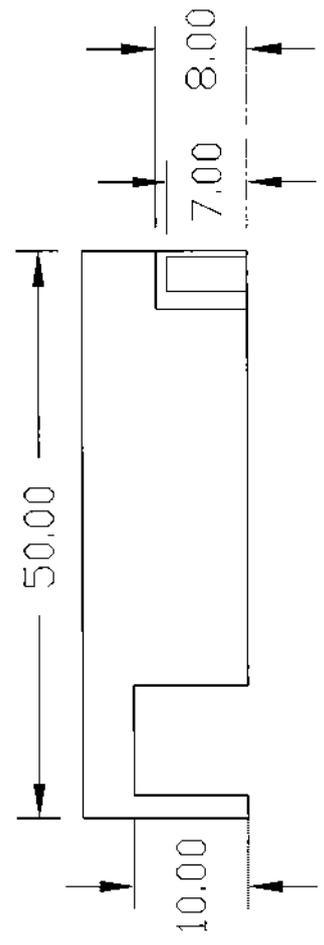
EAST VIEW



WEST VIEW



SOUTH VIEW



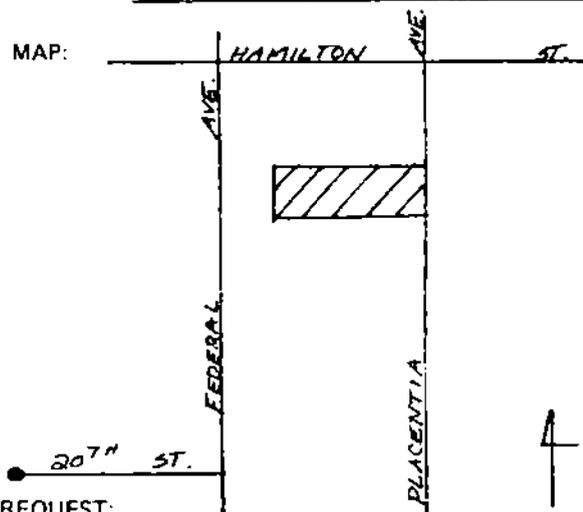
NORTH VIEW

PLANNING DIVISION STAFF REPORT

AGENDA NO. _____

COMMISSION MEETING OF March 23, 1981 APPLICATION NO. ZE-81-62FIELD INSPECTION DATE March 16, 1981 DESCRIPTION Conditional Use PermitAUTHORIZED AGENT A & D Rentals, 2085 Placentia Avenue, Unit #5, Costa Mesa, CA 92627APPLICANT Edward W. Miltenburg SITE LOCATION 2085 Placentia Avenue
(Owner of Record)ADDRESS P.O.Box 10021 Charlotte Amalie ZONE MG AP # 115-350-03St. Thomas, U.S. Virgin Is. 00801 GENERAL PLAN DESIG. Light Industry

MAP:



REQUEST:

CEQA DETERMINATION ExemptPREPARED BY GMS:ajwMANDATORY ACTION DATE February 27, 1982

Applicant is reminded that all ordinances and regulations governing the use of the land or building(s) to which this application pertains must be complied with whether specified herein or not.

Conditional Use Permit for an equipment rental agency in the MG zone.

FINAL COMMISSION ACTION: Meeting of March 23, 1981.

Approved, based on the analysis and findings and subject to the conditions contained in the Planning Division Staff Report. (5-0).

CITY OF COSTA MESA, 77 FAIR DRIVE, COSTA MESA, CA 92626

(714) 754-5245

APPLICANT NOTIFIED KS DATE 3/26/81

I. DESCRIPTION

A. Subject Property

1. Location - 2085 Placentia Avenue, Units 5 & 7
2. General Plan Designation - Light Industry
3. Zone MG
4. Present Development - Multi-tenant industrial building
5. Lot Dimensions - 86.65 ft. by 464.90 ft., 40,284 sq. ft.
6. CEQA - Exempt

B. Surrounding Property

1. North - MG zone, industrial
2. East - MG zone, industrial
3. South - MG zone, industrial
4. West - R1 zone, single-family residences

II. REQUEST AND ANALYSIS

- A. Applicant requests a Conditional Use Permit to allow an equipment rental company in the MG zone. Subject business leases 4,000 sq. ft. of a 16,000 sq. ft. industrial building. The business uses Unit 5 (2,000 sq. ft.) as the office portion of the business and for storage. Unit 7 (2,000 sq. ft.) is used for storage. The business primarily rents party and sickroom-type equipment. Tools and construction equipment are not rented.
- B. The primary use of floor space by the business is storage, which is compatible with industrial uses in the area. The potential areas of conflict would appear to be retail customer traffic and parking. Staff has visited the site on numerous occasions and has not observed a parking problem. This would be at least partially attributed to the fact that a large portion of the equipment is delivered and picked up, thus reducing walk-in traffic and parking demand. It also appears that the peak hours of business are on weekends, which would tend to be the non-peak or closed times of most other uses in the area.

III. PLANNING STAFF FINDINGS

- A. Subject use will not generate a parking demand beyond the capacity of the site.
- B. Proposed use will not be materially detrimental to other uses in the area.

IV. PLANNING STAFF RECOMMENDATION

Approve, subject to conditions.

V. CONDITIONS, IF APPROVED

Shall meet all the requirements of the various City Departments, copy attached hereto.

CONDITIONS, IF APPROVED

Plng. 1. Approval shall be for a period of one year. Prior to expiration, applicant may request renewal, subject to reevaluation at that time. The Development Services Director may extend the Zone Exception Permit for a period not to exceed two (2) years if all conditions of approval have been satisfied, no complaints have been received, and the site inspection reveals compliance with applicable Ordinance requirements.

APPLICANT IS REMINDED THAT THE FOLLOWING CONDITIONS ARE REQUIREMENTS OF FEDERAL, STATE, AND LOCAL LAWS:

- Plng. 2. Permits shall be obtained for all signs according to the provisions of the Costa Mesa Sign Ordinance.
- Bldg. 3. Shall conform to 1979 Uniform Building Code requirements.
- Sfty.

VI.3
PA-08-14

M. VELASTEGUI
P. O. BOX 5293, HUNTINGTON BEACH, CA. 92615
(714) 962-5806

July 9, 2008

RECEIVED
CITY OF COSTA MESA
DEVELOPMENT SERVICES DEPARTMENT

JUL 10 2008

City of Costa Mesa
Planning Commission
P. O. Box 1200
Costa Mesa, CA 92628-1200

Re: Planning Application PA-08-14 at 2085 Placentia Ave., Costa Mesa, CA 92627

Gentleman/Madam:

I, M. Velastegui, owner of 2060 Placentia Ave., Costa Mesa, Ca. 92627 herein oppose and request to the Planning Commission to **deny** the conditional use permit for above referenced application.

The existing business at the site appears to be causing problems to residential neighbors on back and around the building. Legitimizing and expanding said use will continue polluting the air with toxic fumes from paints and hydrocarbons from car repairs; continue releasing heavy to fine particles from grinding and sanding metals; continue contamination to the sewer line from vehicle wash water with rust and chemicals from high grade enamel paints and urethanes. In addition, pounding and punching metals produce high levels of disturbing noise. Installation of equipment to partially contain said pollution and noise will not remove the health hazard to residents and business owners in the area.

At the present time, the subject area is already affected by too many polluting businesses. Body Collision and Paint Shops should be allowed on a 100% heavy industrial zoning and not on a mix zoning of residential housing and light industrial buildings.

Denying said use permit will assure members of the community that the Planning Commission members are looking after the environment and well being of its residents and business owners. All efforts should be directed to improve the appearance of Costa Mesa protecting its environment, air and water quality.

Sincerely yours,


M. Velastegui