



PLANNING COMMISSION AGENDA REPORT

VII.3

MEETING DATE: APRIL 12, 2010

ITEM NUMBER:

SUBJECT: REVIEW OF ZONING APPLICATION ZA-10-08
PLANNED SIGNING PROGRAM
655 BAKER STREET

DATE: APRIL 1, 2010

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
714-754-5609 (RROBBINS@CI.COSTA-MESA.CA.US)

PROJECT DESCRIPTION

Planning Commission review of ZA-10-08, a planned signing program to legalize nine apartment flags in the public right-of-way.

APPLICANT

Fola Linebarger is representing the property owner, Arnel Management Company.

RECOMMENDATION

Uphold, reverse, or modify the Zoning Administrator's decision.

REBECCA ROBBINS
Assistant Planner

KHANH NGUYEN
Acting Asst. Development Services Director

BACKGROUND

The property is zoned Planned Development Residential – High Density (PDR-HD) and consists of a 440 unit apartment complex (South Pointe). The property is surrounded by an apartment complex across the Santa Ana Delhi Channel to the east, the 55 Freeway to the south, and commercially zoned and developed properties to the north and west.

On March 18, 2010, the Zoning Administrator approved ZA-10-08, consisting of a planned signing program to legalize nine apartment flags within the public right-of-way. The basis of the Zoning Administrator's approval was that since the sidewalk meanders between both public and private property, placement of the flags behind the sidewalk, as typically occurs at other apartment projects, would place the flags further back than at a typical apartment complex. Although the applicant requested to retain the 13 flags visible from Baker Street, the Zoning Administrator determined that allowing the four additional flags would create visual clutter and, therefore, limited the total number of flags to nine as permitted by Code.

On March 22, 2010 Planning Commissioner Colin McCarthy requested review of ZA-10-08. A full description and discussion of the project is contained within the Zoning Administrator's approval letter, which is attached (Attachment 3).

GENERAL PLAN CONSISTENCY

The planned signing program, as conditioned by the Zoning Administrator, meets General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.

ALTERNATIVES

The Planning Commission may consider the following alternatives:

1. Uphold the Zoning Administrator's approval of the planned signing program. This would allow the planned signing program to be implemented.
2. Reverse the Zoning Administrator's approval of the planned signing program. The apartment flags in the public right-of-way would have to be removed and a similar request could not be submitted for six months.
3. Modify the Zoning Administrator's approval of the project. The number of flags and/or placement could be modified by the Planning Commission if deemed necessary.

CONCLUSION

The Zoning Administrator determined that the intent of the Code is met since the signs allow comparable visibility to that permitted by Code. Therefore staff recommends that the Zoning Approval be upheld.

- Attachments:
1. Draft Planning Commission Resolutions
 2. Request for Review
 3. Zoning Administrator's letter of March 18, 2010
 4. Applicant's Letter
 5. Location Map
 6. Plans & Site Photos

cc: Development Svs. Director
Senior Deputy City Attorney
City Engineer
Staff (4)
File (2)

Fola Linebarger
Arnel Management Company
949 South Coast Drive, Suite 600
Costa Mesa, CA 92626

File: 041210ZA1008Review	Date: 040110	Time: 9:45 a.m.
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RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA APPROVING ZONING APPLICATION
ZA-10-08**

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

WHEREAS, an application was filed by Fola Linebarger, authorized agent for Arnel Management Company, with respect to the real property located at 655 Baker Street, requesting a planned signing program to legalize nine apartment flags within the public right-of-way in a PDR-HD zone; and

WHEREAS, the Zoning Administrator approved Planned Signing Program ZA-10-08 on March 18, 2010; and

WHEREAS, Planning Commissioner Colin McCarthy requested a review of ZA-10-08 on March 22, 2010; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 12, 2010.

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 upholds the Zoning Administrator's approval and **APPROVES** Zoning Application ZA-10-08 with respect to the property described above.

BE IT FURTHER RESOLVED that the Costa Mesa Planning Commission does hereby find and determine that adoption of this Resolution is expressly predicated upon the activity as described in the Staff Report for Zoning Application ZA-10-08 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 12th day of April, 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

STATE OF CALIFORNIA)
)ss
COUNTY OF ORANGE)

I, Khanh Nguyen, 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 April 12, 2010, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS (If approved)

- A. The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(8) in that:
1. Approval of 13 apartment flags would constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow. Therefore, the approval is limited to nine apartment flags as permitted by standard sign provisions.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(8) in that planned signing program ZA-10-08 is as follows:
1. The approval is consistent with the intent of the Sign Code and General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.
 2. The apartment flags are consistent with other existing signage in design and construction – taking into account sign style and shape, materials, letter style, colors, and illumination.
 3. The apartment flags are compatible with the buildings they identify – taking into account materials, colors, and design motif.
 4. Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow because the site has a meandering sidewalk that affects where the flags can be placed.
- 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 under Section 15311, Existing Facilities, of CEQA.
- 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

- PIng. 1. Planned Signing Program ZA-10-08 only permits up to nine flags within the public right-of-way, subject to the Public Services Department approval. The existing extra flags shall be removed within 30 days of the approval of this application.
2. All newly installed signs shall be in conformance to the requirements and intent of this planned signing program, as well as other applicable Codes and regulations. Any sign not meeting the specific criteria outlined in the planned signing program will not be permitted.
3. Any modification, addition, or deletion to the approved planned signing program shall be reviewed by the Planning Division to determine if an amendment to the planned signing program is necessary.
4. The planned signing program may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, 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.

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF COSTA MESA DENYING ZA-10-08**

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

WHEREAS, an application was filed by Fola Linebarger, authorized agent for Arnel Management Company, with respect to the real property located at 655 Baker Street, requesting a planned signing program to legalize nine apartment flags within the public right-of-way in a PDR-HD zone; and

WHEREAS, the Zoning Administrator approved Planned Signing Program ZA-10-08 on March 18, 2010; and

WHEREAS, Planning Commissioner Colin McCarthy requested a review of ZA-10-08 on March 22, 2010; and

WHEREAS, a duly noticed public hearing was held by the Planning Commission on April 12, 2010.

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A", the Planning Commission hereby reverses the Zoning Administrator's decision and **DENIES** Zoning Application ZA-10-08 with respect to the property described above.

PASSED AND ADOPTED this 12TH day of April, 2010.

James Righeimer, Chair
Costa Mesa Planning Commission

EXHIBIT "A"

FINDINGS (If denied)

- A. The planned signing program presented does not substantially comply with Costa Mesa Municipal Code Section 13-29(g)(8) in that:
1. The proposed signs are not consistent with the intent of the Sign Code.
 2. The proposed signs are not consistent with other existing signage in design and construction – taking into account sign style and shape, materials, letter style, colors, and illumination.
 3. The proposed signs are not compatible with the site and buildings they identify – taking into account materials, colors, and design motif.
 4. Approval would constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow.
- B. The Costa Mesa Planning Commission has denied ZA-10-08. Pursuant to Public Resources Code Section 21080(b)(5) and CEQA Guidelines Section 15270(a), CEQA does not apply to this project because it has been rejected and will not be carried out.



City of Costa Mesa

- Appeal of Planning Commission Decision/Rehearing - \$1,220.00
- Appeal of Zoning Administrator/Staff Decision - \$690.00

APPLICATION FOR APPEAL, REHEARING, OR REVIEW

Applicant Name* _____

Address _____

Phone _____ Representing _____

REQUEST FOR: REHEARING APPEAL REVIEW**

Decision of which appeal, rehearing, or review is requested: (give application number, if applicable, and the date of the decision, if known.)

2A 10-08-655 Baker Street

Decision by: Zoning Administrator

Reasons for requesting appeal, rehearing, or review:

Lacks in formation. Need more details.

Date: 3/22/10

Signature: Colin McCarthy

*If you are serving as the agent for another person, please identify the person you represent and provide proof of authorization.
**Review may be requested only by Planning Commission, Planning Commission Member, City Council, or City Council Member

For office use only - do not write below this line

SCHEDULED FOR THE CITY COUNCIL/PLANNING COMMISSION MEETING OF:

If appeal, rehearing, or review is for a person or body other than City Council/Planning Commission, date of hearing of appeal, rehearing, or review:



CITY OF COSTA MESA

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

DEVELOPMENT SERVICES DEPARTMENT

March 18, 2010

Fola Linebarger
 Arnel Management Company
 949 South Coast Drive, Suite 600
 Costa Mesa, CA 92626

**RE: PLANNED SIGNING PROGRAM ZA-10-08 TO ALLOW NINE
 APARTMENT FLAGS WITHIN THE PUBLIC RIGHT-OF-WAY
655 BAKER STREET, COSTA MESA**

Dear Ms. Linebarger:

Review of the minor conditional use permit for the above-referenced project has been completed. The application, as described in the attached project description, has been approved, based on the findings and subject to the conditions of approval (attached). The decision will become final at 5 p.m. on March 25, 2010, unless appealed by an affected party (including filing of the necessary application and payment of the appropriate fee) or by a member of the Planning Commission or City Council.

If you have any questions regarding this letter, please feel free to contact the project planner, Rebecca Robbins, at 714-754-5609 or rrobbins@ci.costa-mesa.ca.us.

Sincerely,

~~WILLA BOUWENS-KILLEEN, AICP~~
 Zoning Administrator

Attachments: Project description
 Findings
 Conditions of approval
 Approved conceptual plans

cc: Engineering
 Fire Protection Analyst
 Building Division

11

PROJECT DESCRIPTION

- The property is zoned Planned Development Residential – High Density (PDR-HD) and consists of a 440 unit apartment complex. The property is surrounded by an apartment complex across the Santa Ana Delhi Channel to the east, the 55 Freeway to the south, and commercially zoned and developed properties to the north and west.
- The applicant proposes to legalize apartment flags along Baker Street. A Planned Signing Program is required since nine of the 13 existing flags are in the public right-of-way. In addition, the total number of existing flags for the apartment is more than what code allows (9 flags permitted; 13 flags existing).
- Although the applicant has requested to maintain the 13 flags visible from the public right-of-way, allowing additional flags on the Baker Street frontage would create visual clutter. Therefore, only nine flags total will be permitted. A condition has been included for the removal of the four excess flags within 30 days of the approval of this application.
- Because the sidewalk meanders between both public and private property, placement of the flags behind the sidewalk, as typically occurs at other apartment projects, would place the flags further back than at a typical apartment complex. Therefore, allowing the flags in the right-of-way would not allow substantially greater visibility than what the standard sign provisions would allow.
- All apartment flags shall and do comply with the City's Sign Ordinance as follows:
 - Maximum of 15 square feet
 - Maximum of 18 feet in height
 - Maintained in good condition
- Planned Signing Program ZA-10-08 allows only up to nine apartment flags to be in the public right-of-way and/or visible from the Baker Street frontage, subject to the Public Services Department approval. All other signage shall comply with the City's Sign Ordinance.
- The proposed signage meets General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.

FINDINGS

- A The information presented does not comply with Costa Mesa Municipal Code Section 13-29(g)(8) in that:
1. Approval of 13 apartment flags would constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow. Therefore, the approval is limited to nine apartment flags as permitted by standard sign provisions.
- B. The information presented substantially complies with Costa Mesa Municipal Code Section 13-29(g)(8) in that planned signing program ZA-10-08 is as follows:

1. The approval is consistent with the intent of the Sign Code and General Plan Land Use Objective LU-1B and LU-1C by increasing the productivity and viability of the community's economic base and promoting development which contributes to community and neighborhood identity.
 2. The apartment flags are consistent with other existing signage in design and construction – taking into account sign style and shape, materials, letter style, colors, and illumination.
 3. The apartment flags are compatible with the buildings they identify – taking into account materials, colors, and design motif.
 4. Approval does not constitute a grant of special privilege or allow substantially greater visibility than what the standard sign provisions would allow because the site has a meandering sidewalk that affects where the flags can be placed.
- 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 under Section 15311, Existing Facilities, of CEQA.
- D. The project is exempt from Chapter XII, Article 3, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

CONDITIONS OF APPROVAL

- P1ng. 1. Planned Signing Program ZA-10-08 only permits up to nine flags within the public right-of-way, subject to the Public Services Department approval. The existing extra flags shall be removed within 30 days of the approval of this application.
2. All newly installed signs shall be in conformance to the requirements and intent of this planned signing program, as well as other applicable Codes and regulations. Any sign not meeting the specific criteria outlined in the planned signing program will not be permitted.
 3. Any modification, addition, or deletion to the approved planned signing program shall be reviewed by the Planning Division to determine if an amendment to the planned signing program is necessary.
 4. The planned signing program may be referred to the Planning Commission for modification or revocation at any time if the conditions of approval have not been complied with, 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.

- P1ng. 1. The City's Sign Ordinance shall apply for all cases not specifically covered by this sign program.
2. All flags within the public right-of-way shall be removed within 30 days of the approval of this application if an Encroachment Permit from the Public Services Department is not obtained.

- Bus. Lic. 3. All contractors and subcontractors must have valid business licenses to do business in the City of Costa Mesa. Final inspections will not be granted until all such licenses have been obtained.
- Eng. 4. An Encroachment Permit will be required by City of Costa Mesa, Engineering Division. Encroachment Permit fee must be collected prior to issuance of Encroachment Permit per Section 13-231 of the C.C.M.M.C.
5. The applicant shall provide the City with proof of general liability insurance including endorsements concerning "additional named insured", "advance notice", and "other insurance" as approved by the City.
6. The authority granted by an encroachment permit shall terminate upon written notice from the City of Costa Mesa that public improvements are to be placed in the right-of-way within which the encroachment exists. The owner of the private improvements shall remove all such private improvements within thirty (30) days following receipt of such notice, or within such longer period as may be determined by the director of public services.
7. The Public Services Director or his or her designee shall set a hearing before the planning commission for revocation of the encroachment permit and/or pursue other legal remedies as may be deemed appropriate by the city attorney whenever the Public Services Director determines that either:
- a. The permittee has failed to comply with one (1) or more of the conditions attached to the encroachment permit at the time of granting thereof;
 - b. Because of changed or unforeseen circumstances the findings necessary for approval of the encroachment permit can no longer be made.



Management Company

January 28, 2010

City of Costa Mesa
 Development Services Department
 77 Fair Drive
 Costa Mesa, CA 92628

Attention: Kimberly Brandt, AICP/ Willa Bouwens-Killeen, AICP

Re: Planned Signing Program for **655 Baker Street, Costa CA 92626**

This office represents the owners and tenants of South Pointe Apartments (440 apartment homes) located at 655 Baker Street, Costa CA 92626. This is a well established and pristine community located in the South Coast Metro region of Costa Mesa.

This letter follows our review of the required application for approval of all exterior flags/signs that are placed within what we were informed is the City's right of way. In an attempt to comply with the Costa Mesa Municipal Code, we are hereby applying for the Planned Signing Program to permit the continuance of our signage program, some of which are located in the City's right of way.

Our Signage program consists of flags/signs located in front of the property which are up at all times, as well as our starburst signs that are put up during the time allowed by the City (on weekends only). The property's sidewalk has a meandering layout which goes so far back towards the complex thereby hindering some visibility of the flags/signs from the street should they be relocated to our side of the property. It will therefore be very beneficial for us if the flags/signs can remain in the public right of way to allow adequate visibility for future prospects and passers by.

My hope is that the City of Costa Mesa will grant our complexes the right to maintain our flags/banners/signs that we currently have in place based on the information presented herein this packet once a detailed review of such shows we have met with the requirements of the Planned Signing Program and presented the information necessary for the continued use of our Signage Program.

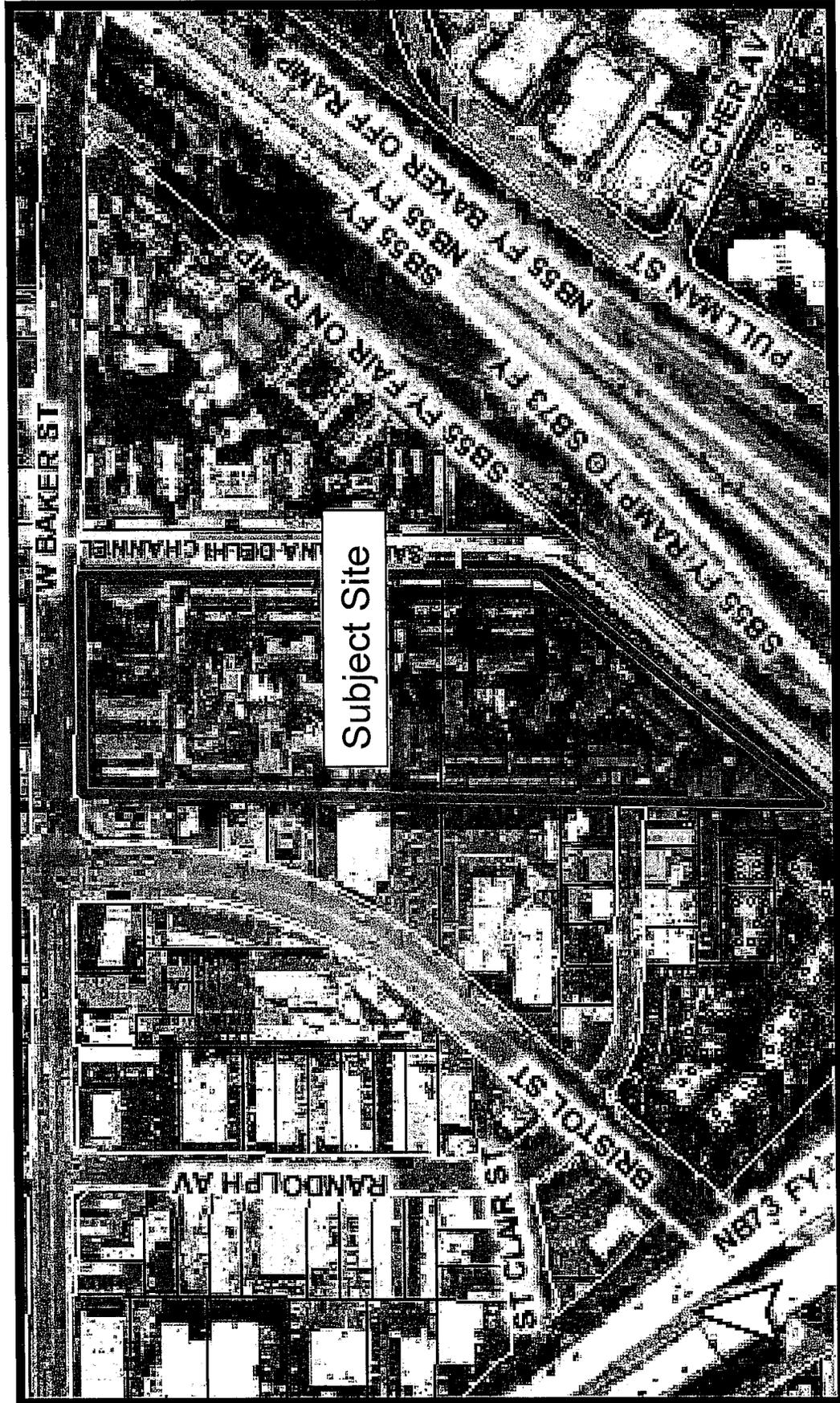
Should you have any questions, please feel free to contact me.

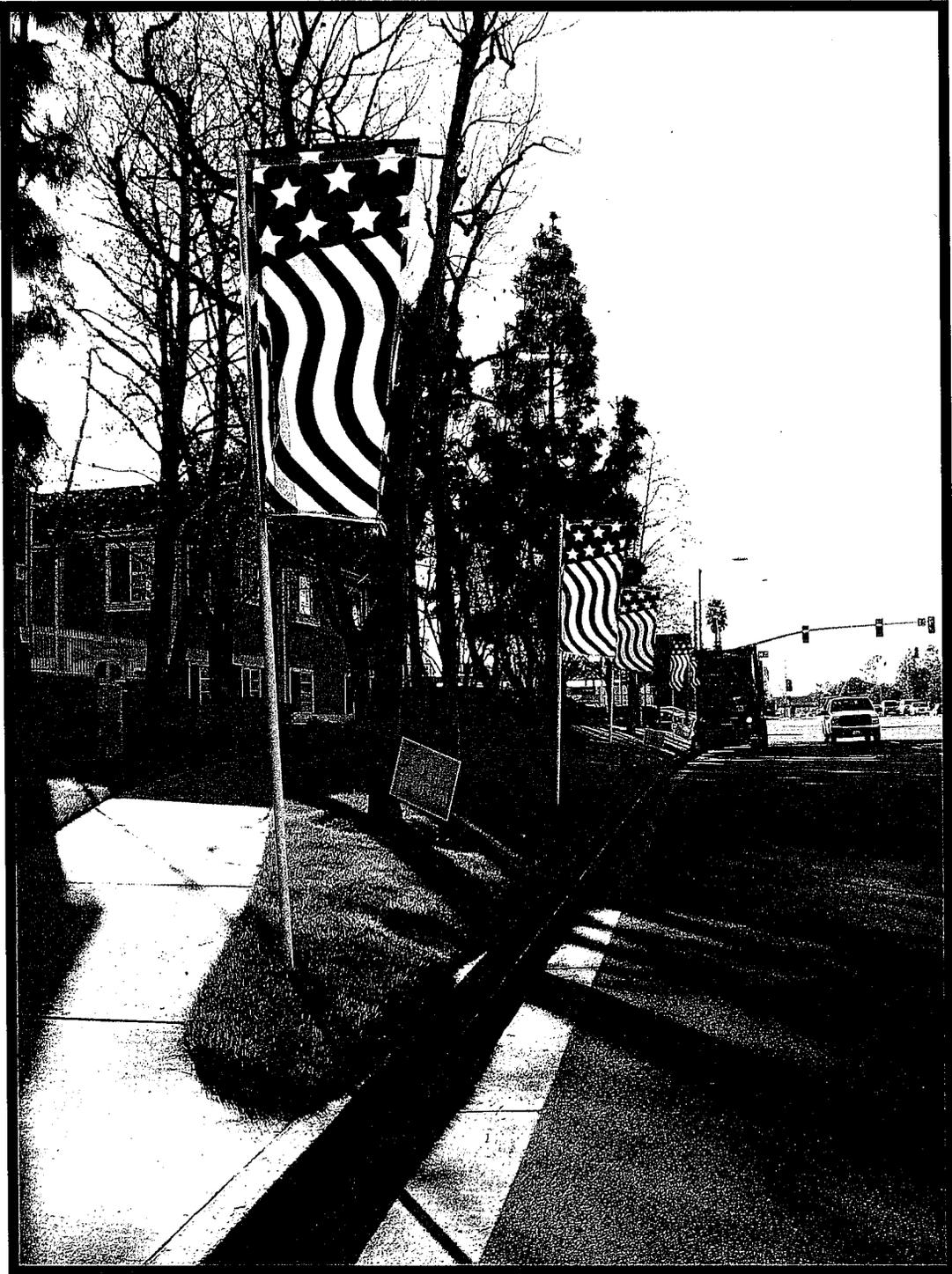
Best Regards,

A handwritten signature in black ink, appearing to read "Fola Linebarger".

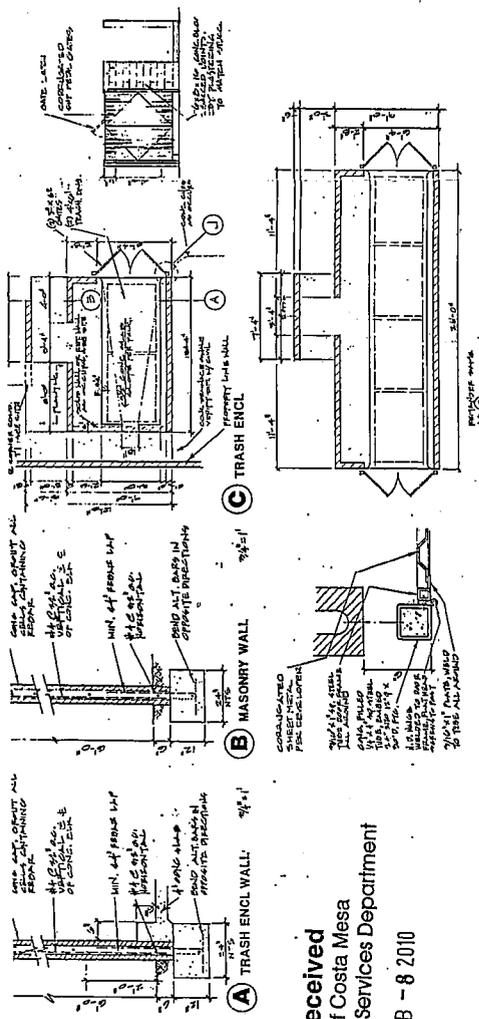
Fola Linebarger
 Director of Administration
 Arnel & Affiliates
 714-481-5113 phone
 714-481-5167 fax
foia@arnel.com

Location Map





Received
City of Costa Mesa
Development Services Department
FEB - 8 2010

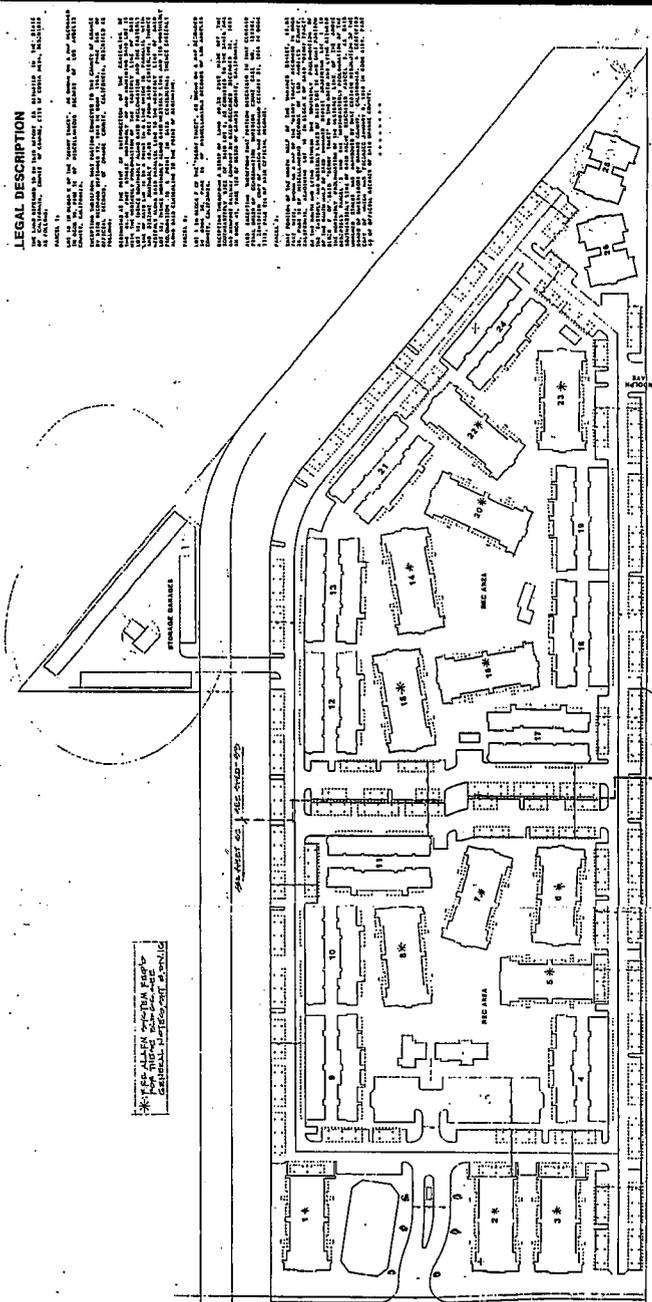


A TRASH ENCL WALL: 7'-0" x 7'-0"
B MASONRY WALL: 7'-0" x 7'-0"
C TRASH ENCL: 7'-0" x 7'-0"
J TRASH ENCL JAMB: 7'-0" x 7'-0"
K TRASH ENCL. 2: 7'-0" x 7'-0"

Flags in the Right-of-way
 Flags on private property

MINOR CONDITIONAL USE PERMIT/
 ADMINISTRATIVE ADJUSTMENT NO. 2-10-08
Approval in Concept
 SUBJECT TO CONDITIONS
 CITY OF COSTA MESA
 PLANNING DEPT.
 BY: PP/WB DATE: 2/18/10
 Approval allows nine flags only.

ITEM	DESCRIPTION	AMOUNT	UNIT PRICE	TOTAL
1	TRASH ENCLOSURE	1	10,000	10,000
2	MASONRY WALL	1	10,000	10,000
3	TRASH ENCLOSURE JAMB	1	10,000	10,000
4	TRASH ENCLOSURE 2	1	10,000	10,000
5	STORAGE GARAGE	1	10,000	10,000
6	STORAGE GARAGE	1	10,000	10,000
7	STORAGE GARAGE	1	10,000	10,000
8	STORAGE GARAGE	1	10,000	10,000
9	STORAGE GARAGE	1	10,000	10,000
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97	STORAGE GARAGE	1	10,000	10,000
98	STORAGE GARAGE	1	10,000	10,000
99	STORAGE GARAGE	1	10,000	10,000
100	STORAGE GARAGE	1	10,000	10,000



ZA-10-08
 OVERALL SITE