



# **PLANNING COMMISSION AGENDA REPORT**

VI.1

MEETING DATE: JULY 12, 2010

ITEM NUMBER:

**SUBJECT: TIME EXTENSION FOR CONDITIONAL USE PERMIT PA-08-12  
NEW CONVENIENCE STORE AND SELF-SERVE CAR WASH FOR SOUTH COAST  
SHELL SERVICE STATION AT 1512 BRISTOL STREET**

**DATE: JULY 1, 2010**

**FOR FURTHER INFORMATION CONTACT: WENDY SHIH, ASSOCIATE PLANNER  
(714) 754-5136 (wshih@ci.costa-mesa.ca.us)**

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## **DESCRIPTION**

The property owner is requesting a time extension for a conditional use permit (CUP) for the construction of a convenience store and self-serve car wash, of which would replace an existing mini-mart and auto service building for South Coast Shell service station.

## **APPLICANT**

Abid Ali Malik is the property owner and applicant for the time extension request.

## **RECOMMENDATION**

Approve the time extension to be valid to September 22, 2011, by adoption of Planning Commission resolution, subject to conditions.

  
\_\_\_\_\_  
WENDY SHIH  
Associate Planner

  
\_\_\_\_\_  
KHANH NGUYEN  
Acting Asst. Development Svs. Dir.

## **BACKGROUND**

The property is located on the southeast corner of Bristol Street and Santa Ana Avenue. It contains a gasoline service station with a convenience store and auto repair service that was constructed in 1962 under the County of Orange. The property was annexed to the City in March 2000 and is zoned C2 (General Business District).

On September 22, 2008, Planning Commission, on a 5-0 vote, approved Conditional Use Permit PA-08-12 for the construction of a convenience store and self-serve car wash, of which would replace an existing mini-mart and auto service building for South Coast Shell service station.

The Planning staff report and meeting minutes for the CUP can be viewed on the City's website at the link below:

<http://www.ci.costa-mesa.ca.us/CMCalendar.htm>

Approval of the CUP was valid for one year unless building permits are obtained and construction commences. However, due to economic conditions, the applicant was not able to obtain a loan to begin construction, as a result, did not obtain building permits prior to the expiration of the CUP on September 22, 2009. The applicant requests a retroactive time extension for the approval to be valid to September 22, 2011.

## **ANALYSIS**

Staff recommends approval of a two-year time extension to September 22, 2011, for the following reasons:

- The Commission's previously-adopted approval findings are still applicable to the project. The Commission determined that the project will provide an upgrade to the property without negatively impacting surrounding developments. The project consists of demolition of the existing convenience store and auto service building and construction of a 1,498 square-foot convenience store (no alcohol sales) with an 880 square-foot self-serve car wash tunnel on the southeast (rear) corner of the property. The two existing fuel islands along each street frontage are proposed to remain. The applicant also proposes to remove two of four driveways and replace it with new curb, gutter, and sidewalk, which will provide additional landscaping at the corner. The proposed construction complies with all applicable commercial development standards, which have not changed since project approval. However, City Council adopted Ordinance no. 10-3 regarding permitted construction hours. Therefore, condition of approval no. 11 is no longer applicable and the applicant is notified that all construction activities would be subject to the new ordinance.
- The applicant has shown good cause for needing the time extension. The applicant obtained a grading permit and obtained all department approvals for the building plan check in August 2009. However, due to the lack of funding, he was unable to pay for the permit and begin construction prior to the expiration of the CUP on September 22, 2009. Staff recommends a two-year time extension to September 22, 2011, to allow additional time for the applicant to secure funding to obtain building permits and to begin construction.

It should be noted that Planning Commission typically approves one-year time extensions. However, in this case, a one-year extension would expire by September 2010 or within two months of this action if it were taken. Rather than requiring the applicant to submit another time extension request and given that the zoning regulations applicable to this project have not significantly changed, staff recommends approval of a two-year time extension.

## **ALTERNATIVES**

The Planning Commission may consider the following alternatives:

1. Approve a two-year time extension to September 2011. This would allow additional time for the applicant to secure funding for the construction of the project as proposed.
2. Deny the application. If Commission denies the time extension, the CUP expires and the project may not be constructed as proposed. The applicant could not file a similar request for six months.

## **CONCLUSION**

Approval of the time extension would allow the applicant additional time to obtain building permits so the previously approved project can be constructed. Staff recommends approval of the time extension given that applicable development standards have not changed since the original approval and that the applicant has shown good cause for needing the time extension.

Attachments: 1. Draft Planning Commission Resolutions  
 2. Applicant's Time Extension Request Letter  
 3. Location Map  
 4. Plans

cc: Development Services Director  
 Deputy City Attorney  
 City Engineer  
 Fire Protection Analyst  
 Staff (4)  
 File (2)

Abid Ali Malik  
 1512 Bristol Street  
 Costa Mesa, CA 92660

ATTACHMENT 1

RESOLUTION NO. PC-10-

**A RESOLUTION OF THE PLANNING COMMISSION OF THE  
CITY OF COSTA MESA APPROVING AN EXTENSION OF TIME  
FOR PLANNING APPLICATION PA-08-12**

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

WHEREAS, Planning Application PA-08-12 is a conditional use permit for the construction of a convenience store with a self-serve drive-through car wash to replace existing convenience store and service bays for South Coast Shell service station at 1512 Bristol Street, in the C2 zone;

WHEREAS, on September 22, 2008, Planning Commission approved PA-08-12 by adoption of Resolution No. PC-08-70, of which is attached hereto as Exhibit "1";

WHEREAS, a time extension request for PA-08-12 was filed by property owner Abid Ali Malik;

WHEREAS, a duly noticed public hearing was held by the Planning Commission on July 12, 2010, to consider the time extension request;

WHEREAS, the time extension does not change the previously-adopted findings and conditions of approval for Planning Application PA-08-12, as specified in Exhibits "A" and "B" respectively, of Resolution No. PC-08-70. These findings and conditions of approval, with exception of condition no. 11 related to construction hours, are still applicable to the proposed project.

BE IT RESOLVED that, based on the evidence in the record, the Planning Commission hereby **APPROVES** an extension of time for Planning Application PA-08-12 to **September 22, 2011**, 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 Planning Application PA-08-12. This action is also based on the evidence in the record and findings and subject to the applicant's compliance with each and all of the conditions as specified in Resolution No. PC-08-70.

**PASSED AND ADOPTED this 12<sup>th</sup> day of July 2010.**

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James Righeimer, Chair  
Costa Mesa Planning Commission

4



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 construction 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, the proposed construction complies with all applicable commercial development standards and will upgrade the property without negatively impacting surrounding properties.
- 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 15332 for In-Fill Development Projects.
- 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 (If project is approved)**

- Plng. 1. Complete screening of the all above-ground tanks shall be required incorporating vines on the east and west sides of the mesh screen and opaque material on the north elevation facing Bristol Street. This condition shall be completed under the direction of the Planning Division.
2. Exterior elevations with sample color/materials board shall be submitted to the Planning Division as part of the plan check submittal package.
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. Provide landscape screening along both interior property lines. This condition shall be completed under the direction of the Planning Division.
6. 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.
7. 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.
8. All rooftop mechanical equipment shall be screened from view from on- and off-site under the direction of the Planning Division.
9. 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.
10. 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.

11. The conditions of approval and ordinance or code provisions and special district requirements of Planning Application PA-08-12 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
  12. 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.
  13. 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.
  14. The car wash tunnel, in whole or in part, shall not be enclosed/converted to additional storage or convenience store space unless all applicable commercial development standards can be satisfied (e.g., parking and floor area ratio). Any modification to the use or development on the property is subject to appropriate zoning review and approval by the City of Costa Mesa.
  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.

ATTACHMENT 2

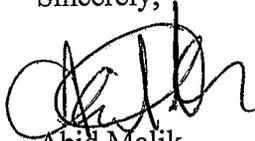
May 20, 2010

To Whom It May Concern:

I was writing to you in reference to my Permit #BC09-00057. I have had great difficulty in trying to obtain a loan. I have contacted many banks however I have had no luck. I am continuing to look for a loan thus I would like to request if you could kindly grant me an extension.

Please contact me if you have any questions. Thank you for your time.

Sincerely,

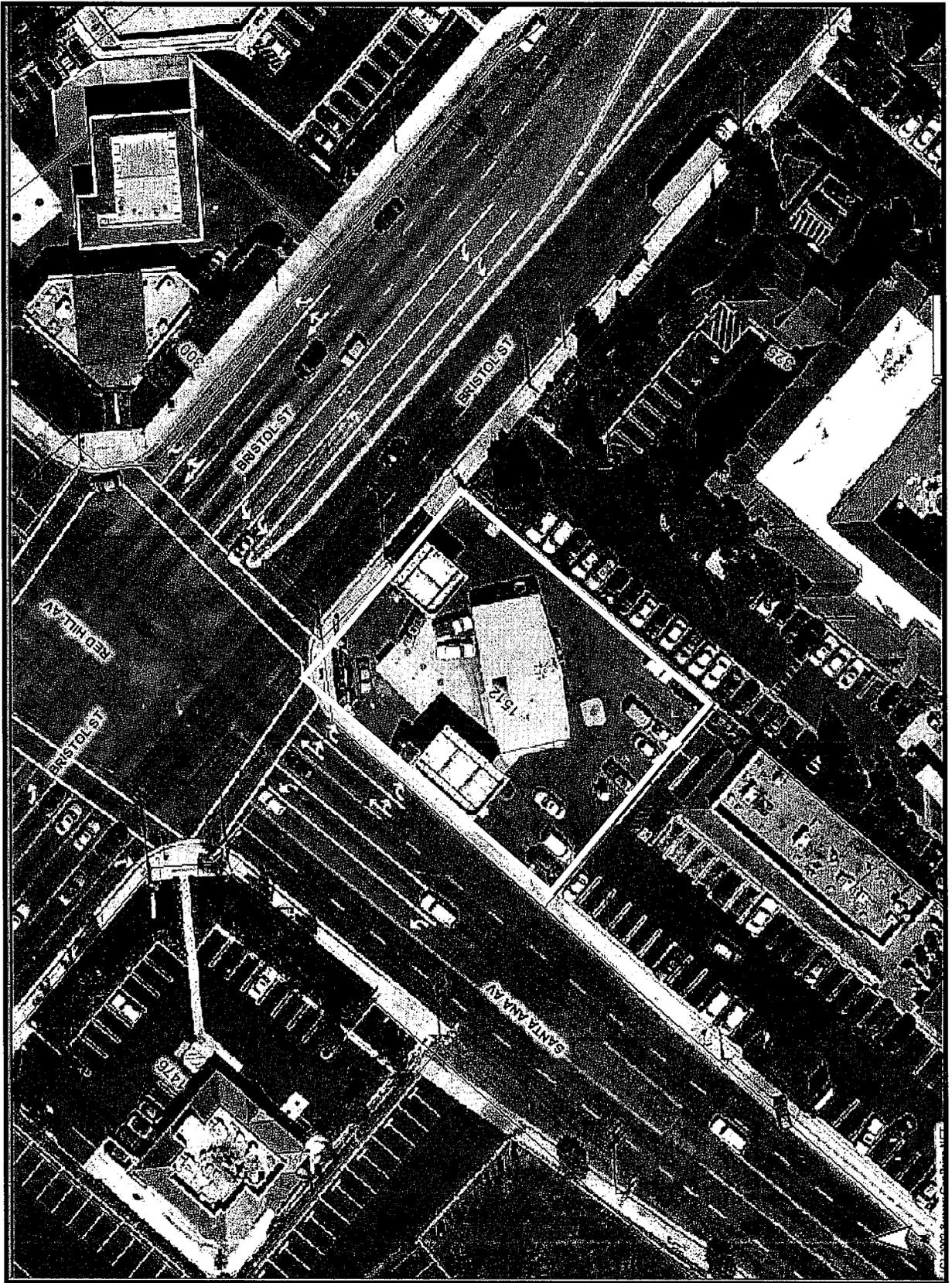


Abid Malik  
949-235-6161

Permit #BC09-00057  
Permit Type: B\_COMBO  
Sub Type: COM\_NEW  
Job Address: 1512 Bristol St Costa Mesa CA 92626

ATTACHMENT 3

Aerial Photo/Location Map



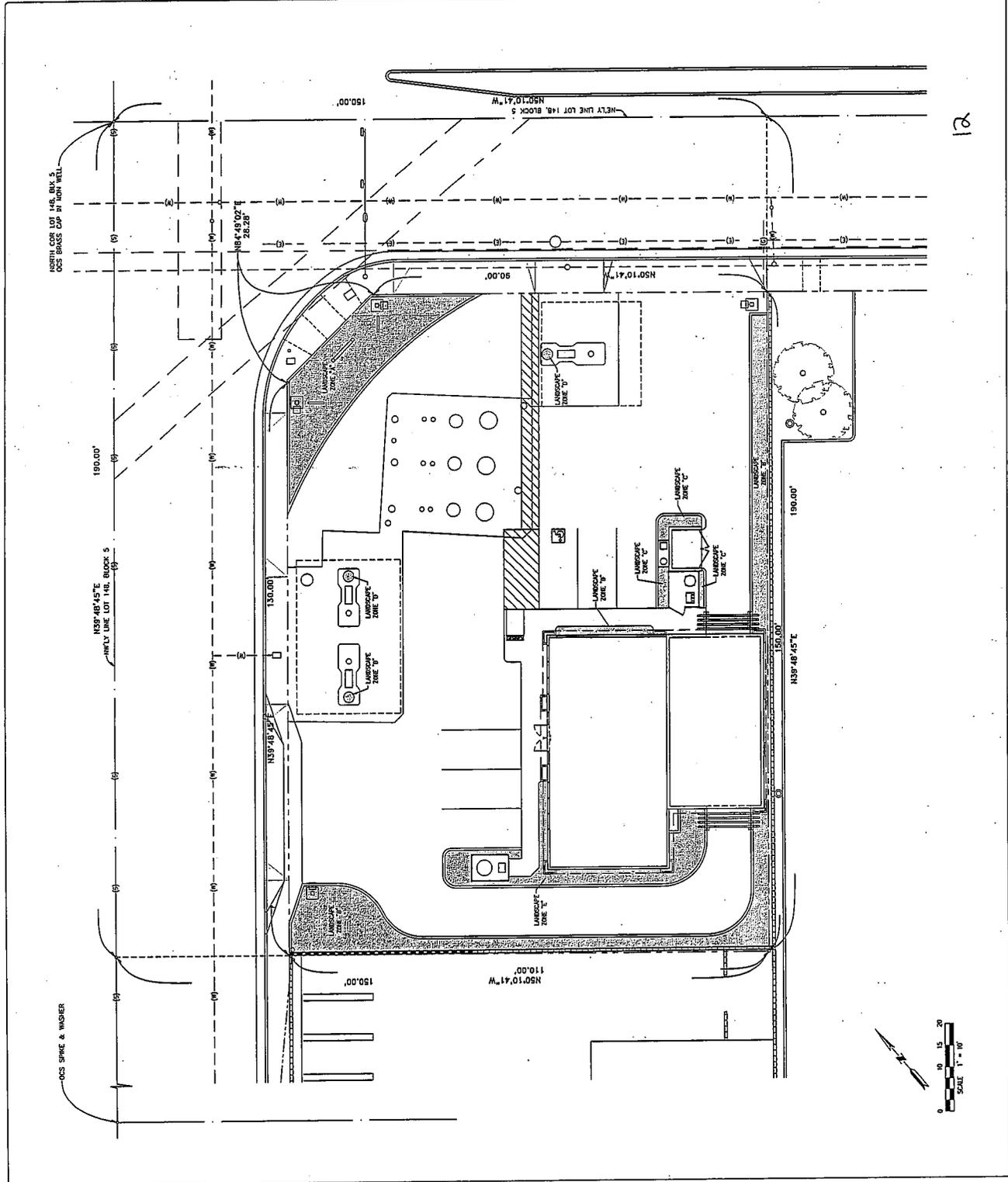


DATE: \_\_\_\_\_  
 REVISION: \_\_\_\_\_  
 NO. \_\_\_\_\_  
 PROJECT: \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_  
 SHEET TOTAL \_\_\_\_\_  
 DRAWING NO. \_\_\_\_\_  
 L1.0

TRAVIS COMPANIES, INC.  
 1912 S.E. BRISTOL  
 COSTA MESA, CA 92626  
 TEL: (714) 426-0288

SHELL FUELING FACILITY  
 1612 BRISTOL STREET  
 COSTA MESA, CALIFORNIA 92626  
 DESIGNATED LANDSCAPE PLAN

8-08-08  
 CUP PKG. NO.: 03



**LANDSCAPE DATA**

LANDSCAPE DESCRIPTION	1/8" S.F.	1/4" S.F.	1/2" S.F.	3/4" S.F.	1" S.F.
LANDSCAPE MATERIALS	125	125	125	125	125
LANDSCAPE PLANTS	125	125	125	125	125
LANDSCAPE LIGHTS	125	125	125	125	125
LANDSCAPE FURNITURE	125	125	125	125	125
LANDSCAPE SIGNAGE	125	125	125	125	125
LANDSCAPE UTILITIES	125	125	125	125	125
LANDSCAPE SAFETY	125	125	125	125	125
LANDSCAPE MAINTENANCE	125	125	125	125	125
LANDSCAPE COSTS	125	125	125	125	125

LANDSCAPE DATA  
 100%  
 0.15%  
 0.15%

12

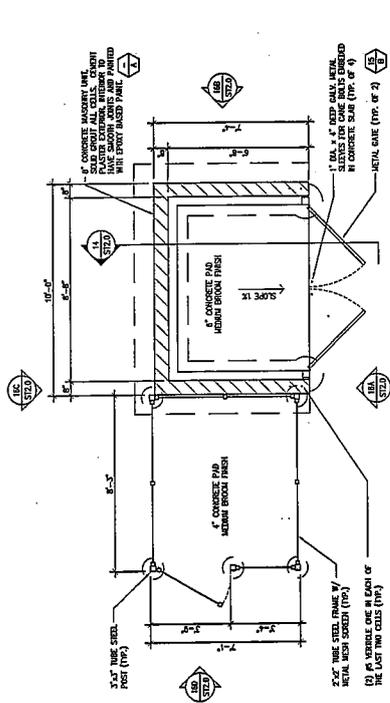
# EXTERIOR FINISH SCHEDULE

INST.	FINISH	MATERIAL/FINISH	COLOR
01	EXTERIOR LIGHT PLASTER - LIGHT BASH FINISH		
06	STACKED STONE VENEER		
15	METAL DOORS		
16	WATER TABLE/SILL		

FINISH	MANUFACTURER, CALUMED STONE - TEL: (800) 255-1777
A	FRAMES: #20W - "SANDER'S FENCE"
B	FRAMES: #20W - "TANBUR"
F	MANUFACTURER, CALUMED STONE - TEL: (800) 255-1777
H	MANUFACTURER, CALUMED STONE - TEL: (800) 255-1777

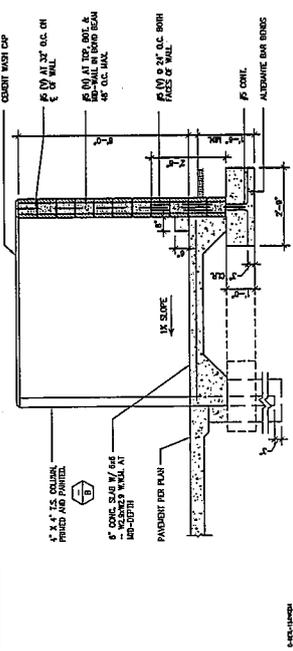
LEGEND:  
 OTHER = SOUTH COAST SHELL  
 C.C. = GENERAL CONTRACTOR



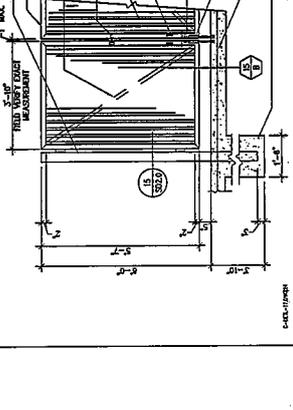
## NOTES

1. ALL CONCRETE BLOCK MORTAR JOINTS SHALL BE TUSH & SMOOTH AT INSIDE FACE.
2. SEE SITE PLAN FOR LOCATION OF TRASH ENCLOSURE.
3. ALL EXTERIOR AND INTERIOR WALL SURFACES, INCLUDING GATES SHALL BE APPLIED WITH A "HIP-COUNTRY COLOUR". THE JAMB-COUNTRY COLOUR SHALL BE "MOUNTAIN COUNTRY". ALL INTERIOR WALL SURFACES SHALL BE "MOUNTAIN COUNTRY".
4. THE GENERAL CONTRACTOR SHALL OBTAIN SHOP DRAWINGS FOR THE METAL GATES TO THE PROJECT MANAGER PRIOR TO FABRICATION, TO AVOID DELAYS.

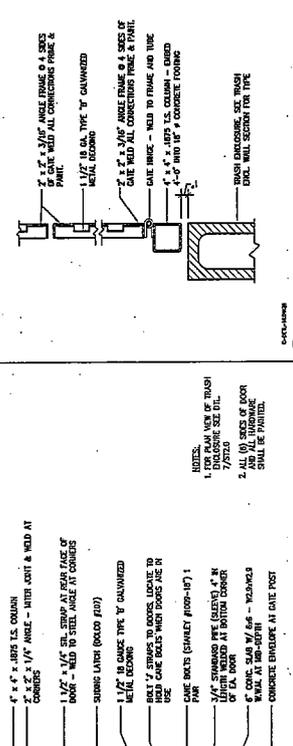
7 TRASH ENCLOSURE PLAN



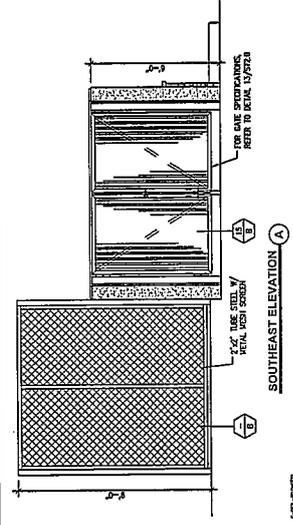
11 TRASH ENCLOSURE SECTION



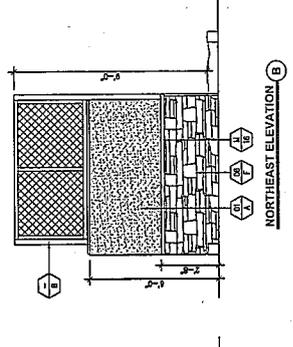
12 TRASH ENCLOSURE GATE DETAIL



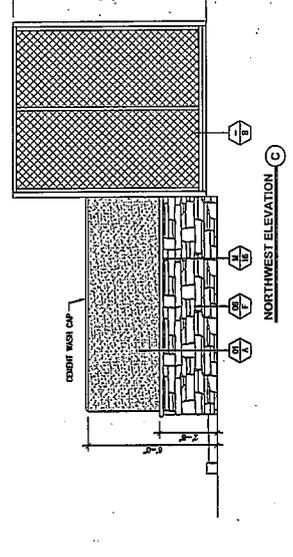
15 JAMB AT TRASH ENCLOSURE GATE



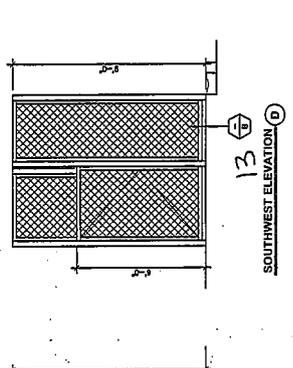
13 TRASH ENCLOSURE ELEVATIONS



14 TRASH ENCLOSURE ELEVATIONS



16 TRASH ENCLOSURE ELEVATIONS



17 TRASH ENCLOSURE ELEVATIONS



**EXTERIOR FINISH SCHEDULE**

**MATERIAL FINISH:**

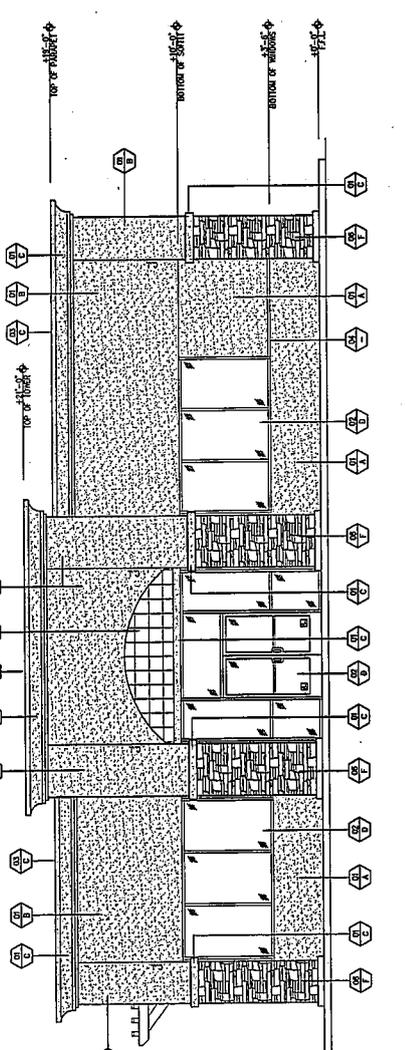
01 EXTERIOR COUNT PLASTER - LIGHT DARK FINISH  
 02 1" CLEAR INSULATED GLASS  
 03 METAL FLASHING  
 04 2" PLASTER REVEAL  
 05 HOLLOW METAL DOOR AND FRAME  
 06 STACKED STONE VENEER  
 07 R.S.D.F. WOOD TRUSS  
 08 12"x12" SLATE TILE  
 09 METAL TRUSS

**COLOR:**

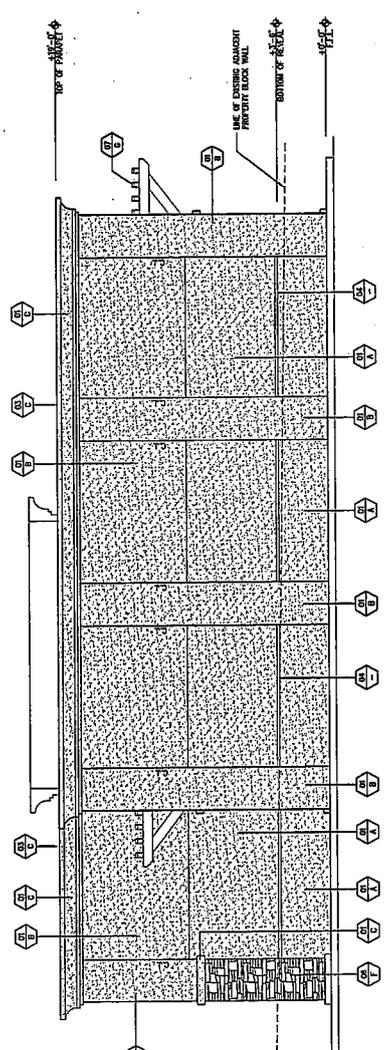
A FRAZEE: #3201W - "SAWERS FINISH"  
 B FRAZEE: #3201M - "DUPONT"  
 C FRAZEE: #3201V - "HAYSEED"  
 D ALUMINUM STORE FRONT  
 MANUFACTURER: SOUTHWEST ALUMINUM - TEL. # (800) 514-0044  
 COLOR: DARK BRONZE, ANODIZED FINISH  
 COLOR/FINISH TO MATCH ADJACENT SURFACE  
 F MANUFACTURER: CULTURED STONE - TEL. (800) 255-1727  
 STYLE: COUNTRY LEDGESTONE  
 COLOR: #321-2600S TRINITY  
 G CLIMAX STONE: #729 SCUM-IMPAVEDMENT  
 H MANUFACTURER: DAINLE - TEL. (714) 937-8951  
 COLOR: #377Z ALUMINUM MET.

**NOTE: EXTERIOR ELEVATIONS**

1. ALL SURFACE IS UNDER SPHATITE SUBMITTAL AND PRINT (S.U.C.)
2. ALL PLASTER ACCESSORIES, FLASHINGS ETC. SHALL BE PAINTED TO MATCH ADJACENT SURFACES (D.A.C.)
3. ALL SURFACES SHALL BE PROTECTED FROM IMPACTS, VIBRATIONS, ETC. SHALL BE SEALED. SEE FLOOR PLAN, SECTION NOTES, AND SPECIFICATIONS FOR ADDITIONAL NOTES.
4. C.C. TO PROVIDE A WEATHER RESISTANT BARRIER AT ALL EXTERIOR WALLS (UNDER STUCCO)
5. FOR WINDOW TYPE AND SIZE REFER TO WINDOW SCHEDULE
6. C1 = PLASTER CONTROL JOINT
7. ALL EXTERIOR WALL SURFACES INCLUDING ELECTRICAL METER PANEL SHALL BE APPLIED WITH A "MIL-GRAFITO COATING" BY THE MANUFACTURER OF THE TEXTURED CONCRETE OF AMERICA INC. TEX-COAT
8. S.C. SHALL PROVIDE SHOP DRAWINGS FOR STOREFRONT PRIOR TO FABRICATION. RETAINING MATERIALS, FINISHES, SHEETS, PROFILES, CONNECTIONS, ETC.
9. S.C. SHALL PROVIDE PERMITS IN ALL STATES CLADDING PER SEC. 2405.11
10. ALL ROOF MOUNTED EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW.



**NORTHWEST ELEVATION**  
 SCALE: 1/4" = 1'-0"



**SOUTHEAST ELEVATION**  
 SCALE: 1/4" = 1'-0"

AGG CORPORATION  
 COSTA MESA, CA 92626  
 TEL: (714) 435-2228

TRAVIS COMPANIES, INC.  
 1515 N. GARDEN STREET  
 COSTA MESA, CA 92626  
 TEL: (714) 435-2228

EXTERIOR ELEVATIONS  
 SHELL FUELING FACILITY  
 1512 BRISTOL STREET  
 COSTA MESA, CALIFORNIA 92626

DRAWING NUMBER  
**CUP2.0**

# EXTERIOR FINISH SCHEDULE

MATERIAL/FINISH  
COLOR

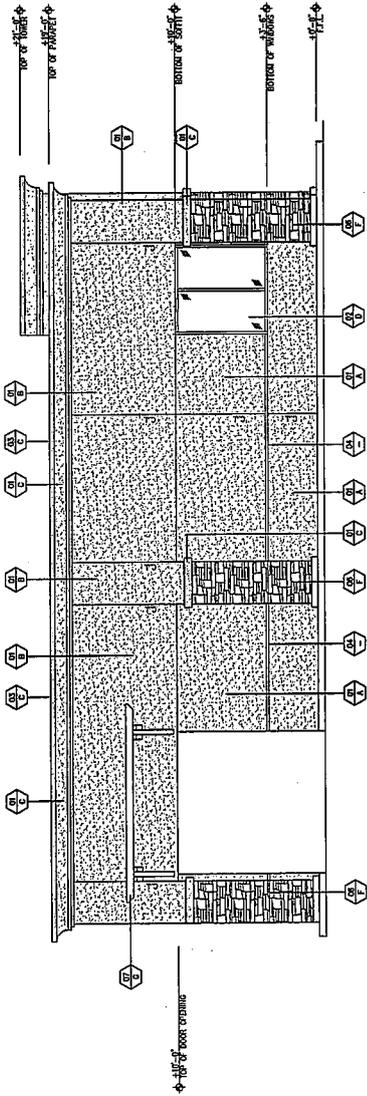
- 01 EXTERIOR CONCRETE PLASTER - LIGHT DASH FINISH
- 02 1" CLEAR INSULATED GLASS
- 03 METAL FLASHING
- 04 2" PLASTER REVEAL
- 05 HOLLOW METAL DOOR AND FRAME
- 06 STACKED STONE VENEER
- 07 R.S.O.F. WOOD TRELLIS
- 08 12"x12" SLATE TILE
- 09 METAL TRELLIS

## COLORS

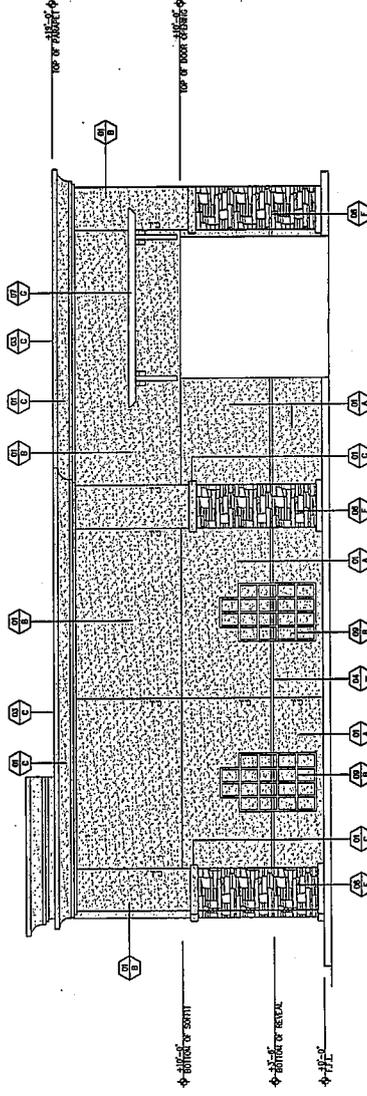
- A FRAMES: #2024M - "SAVIER'S FENCE"
- B FRAMES: #2024M - "DAVEM"
- C FRAMES: #2024M - "HAYSEED"
- D ALUMINUM STONE FRONT  
MANUFACTURER: SORPHEMEST ALUMINUM - TEL. # (800) 544-0444  
COLOR: WINE BROWN HORIZONTAL FINISH
- E COLOR/FINISH TO MATCH ADJACENT SURFACE
- F MANUFACTURER: CULTURED STONE - TEL. (800) 255-1727  
STYLE: COUNTRY LEDGESTONE  
COLOR: #P34-20005 "HONEY"
- G GLYPHIC STAIR: #729 SLM-TRANSPARENT
- H MANUFACTURER: DALTRIE - TEL. (714) 937-8951  
COLOR: #5772 "AUTUMN MIST"

## NOTE: EXTERIOR ELEVATIONS

1. ALL SHRAKE IS UNDER SEPARATE SUBMITTAL AND PERMIT (U.L.C.)
2. ALL PLASTER, ACCESSORIES, FLASHINGS ETC. SHALL BE PAINTED TO MATCH ADJACENT SURFACES (U.L.C.)
3. ALL EXTERIOR WALL OPENINGS FOR RECEPTACLES, HOSE REELS, ETC. SHALL BE FINISHED TO MATCH ADJACENT SURFACES. SEE SPECIFICATIONS FOR ADDITIONAL NOTES.
4. C.C. TO PROVIDE A WEATHER RESISTANT BARRIER AT ALL EXTERIOR WALLS (UNDER STUDIOS)
5. FOR WINDOW TYPE AND SIZE REFER TO WINDOW SCHEDULE
6. CI = PLASTER CONTROL JOINT
7. ALL EXTERIOR WALL SURFACES INCLUDING ELECTRICAL METER PANEL SHALL BE APPLIED WITH A "AIR-CRAFT GRAFTING". THE AIR-CRAFT COATING SHALL BE APPLIED TO ALL EXTERIOR WALL SURFACES AND MANUFACTURED BY EXTERIOR COATINGS OF CALIFORNIA, INC.
8. C.C. SHALL PROVIDE CURB BARRIERS FOR EXTERIOR FLOOR IS FABRICATING, DETAILING MATERIALS, THRESHES, STAIRS, PORCHES, CONNECTIONS, ETC.
9. C.C. SHALL PROVIDE PERMITS FOR ALL SAFETY GLAZING PER SEC. 24063.1
10. ALL ROOF MOUNTED EQUIPMENT SHALL BE SCREENED FROM PUBLIC VIEW.



**NORTHEAST ELEVATION**  
SCALE: 1/4" = 1'-0"



**SOUTHWEST ELEVATION**  
SCALE: 1/4" = 1'-0"



