PLANNING COMMISSION AGENDA REPORT

VII. 4

MEETING DATE: NOVEMBER 8, 2010 ITEM NUMBER:

SUBJECT: PLANNING APPLICATION PA-10-25 FOR A CONDITIONAL USE PERMIT FOR OUTDOOR STORAGE OF MOTOR VEHICLES
135 COMMERCIAL WAY

DATE: OCTOBER 28, 2010

FOR FURTHER INFORMATION CONTACT: REBECCA ROBBINS, ASSISTANT PLANNER
(714) 754-5609 (rrobbins@ci.costa-mesa.ca.us)

DESCRIPTION

The applicant is requesting approval of PA-10-25 for a conditional use permit to allow outdoor storage of motor vehicles and miscellaneous construction equipment and supplies. Incidental storage of personal recreational vehicles is also proposed.

APPLICANT

Catherine Lamanski is the authorized agent for Commercial Way Partners LLC, the property owner.

RECOMMENDATION

Approve PA-10-25 by adoption of Planning Commission resolution, subject to conditions.

REBECCA ROBBINS
Assistant Planner

KHANH NGUYEN
Acting Asst. Development Svs. Director

BACKGROUND

Project Site

The property is located in the C2 zone (General Business District) and 19 West Urban Plan area/mixed-use overlay zone. This parcel is unique in that it is located along Commercial Way, a private street bordered by industrially-zoned parcels to the north/northwest and commercially-zoned parcels to the south/southeast.

E.L. Moore Company, Inc. previously occupied the commercial building which was demolished in August 2010. The property is adjacent to industrially zoned and developed properties to the west and commercially zoned and developed properties to the north, south, and east (Attachment 3).

PROJECT DESCRIPTION

Shaw & Sons Construction is an existing business located at 829 W. 17th Street in Costa Mesa. This company constructs structural and architectural concrete for major retail and commercial buildings. They also hold a U.S. Patent for "The OceanSafe System," an urban runoff management system.

Planning Application PA-10-25 is for a conditional use permit (CUP) to create an adjunct outdoor storage yard at 135 Commercial Way for construction vehicles and equipment primarily related to Shaw & Sons Construction. Code requires a CUP for outdoor storage of motor vehicles in the C2 zone.

The proposed outdoor storage yard involves the following:

- Storage of construction-related vehicles, equipment and supplies. Vehicles would include construction work trucks, bobcats, and forklifts.
- Incidental storage of motor homes and boats for personal purposes.

The proposed storage yard will consist of approximately 22 large parking spaces measuring 10 feet wide and over 30 feet deep. Vehicle access to the property will be provided by the existing drive approach along Commercial Way.

Since this parcel is located in the 19 West Urban Plan area, the applicant is considering construction of a live/work development in the future. However, new buildings are not proposed at this time, and live/work development would be subject to the approval of a Master Plan by the Planning Commission.

ANALYSIS

Justifications for Approval of Conditional Use Permit

Following are justifications for the approval of the PA-10-25:

- *The proposed use is considered compatible with the surrounding businesses.* The surrounding uses are industrial in nature. They include an equipment rental (trucks and trailers) and a roofing contractor business to the north, retail uses and a boat dealership to the east, and storage facilities/warehouses to the south and west. Many of these neighboring uses also feature similar outdoor storage of commercial equipment and vehicles.

  Since the proposed use (storage of personal boats, recreational vehicles, and construction equipment) is similar to the uses on the surrounding properties, staff believes the use is consistent and compatible with the existing commercial/industrial context.

- *No adverse noise and daily operational impacts to abutting properties are anticipated.* The property is surrounded by commercial and industrial uses including boat and auto repair, manufacturing, and automotive sales. Since the use involves relatively quiet activities such as personal boat, vehicle, and construction equipment storage, and will be enclosed within the existing block walls, noise impacts to the surround properties are not anticipated.

  Condition of approval no. 5 requires that the proposed outdoor storage yard serve as passive storage purposes only. The use shall not involve any active onsite operations or active use of stored materials, vehicles, and/or equipment without prior authorization by the Development Services Director. Motor vehicles shall not be permitted to idle on the property.

- *A patented on-site urban runoff management system will address water quality.* In addition, the applicant is providing an onsite water recovery system to minimize adverse water quality impacts. The system catches rainwater runoff by directing it into an underpavement aggregate water storage field. Through a system of filters, aggregate and soil grades, runoff is filtrated back into existing water tables, or stored for later use on site.

- *Screening of storage yard area shall be required to the fullest extent possible in consideration of future redevelopment under the 19 West Urban Plan*. While the proposal is consistent in appearance with the existing industrial context, the uses may potentially evolve over time into mixed-use development as allowed by the Urban Plan. Given that the CUP will run with the land, staff is taking into consideration the possible future redevelopment of this area pursuant to the 19 West Urban Plan standards and Mixed-Use Overlay Zone.

Condition of approval no. 3 requires that the outdoor storage area be screened from view from Commercial Way and the adjacent property by an 8-foot perimeter solid masonry wall. Condition of approval no. 2 requires that higher profile vehicles/equipment above 8 feet in height be parked towards the middle and rear of the property.

- *A newly constructed 8-foot high decorative block wall will screen the storage from offsite.* The eight-foot high decorative block wall and gate (permitted in August of this year) along Commercial Way will screen the storage from offsite and will minimize visual impacts adjacent properties.

  Condition of approval no. 3 requires that all storage items, excluding motor vehicles, be stacked no higher than 8 feet anywhere on the property and stored in a container or under a covering. Condition no. 6 restricts signage to a maximum 15 square foot sign on the block wall.

- *Landscape planters are required to be provided in front and behind the front wall.* Since Commercial Way is a private street and the front property line is at the centerline of the street, there is limited area to provide for a landscaping setback. However, the commercially-zoned property to the left features an approximately 8 to 10 foot wide front landscaped area. Given that this is a commercial zone and the adjacent property also features front landscaping, Condition of approval 9 requires a minimum three-foot wide irrigated landscape planter in front of the main wall bordering Commercial Way and a minimum five-foot wide irrigated landscape planter located behind the main wall. The landscape plan shall include 24-inch box trees in the larger planter area to the satisfaction of the Development Services Director.

- *The outdoor storage yard shall be resurfaced with concrete and asphalt (or an approved equivalent to control dust and erosion) and shall be properly maintained to prevent deterioration.* The property is currently in rough graded conditions. Code does not require interior irrigated landscaping for the proposed use. Condition of approval no. 4 requires a minimum of two parking spaces to be unobstructed to allow for employees to park on-site.

ENVIRONMENTAL DETERMINATION

If the request is approved, it would be exempt from the provisions of the California Environmental Quality Act under Section 15303, for New Construction. If the request is denied, it is exempt from the provisions of the California Environmental Quality Act (CEQA) Section 15270(a) for projects which are disapproved.

GENERAL PLAN CONFORMITY

The property is zoned C2 (General Commercial) and has a General Plan Designation of General Business. Based on the scale and intensity of the proposed outdoor storage, staff believes the use is consistent with the General Plan and compatible with the adjacent commercial and industrial developments. Therefore, the use conforms with the General Plan.

ALTERNATIVES

The Planning Commission has the following alternatives:

1. Approve Conditional Use Permit PA-10-25. This action allows outdoor storage of motor vehicles and miscellaneous construction equipment and supplies with incidental storage of personal recreational vehicles, subject to the recommended conditions of approval.
2. Deny PA-10-25 for outdoor storage of motor vehicles and miscellaneous construction equipment and supplies with incidental storage of personal recreational vehicles. If the project were denied, the applicant could not submit substantially the same type of application for six months.

CONCLUSION

Staff supports the request because the outdoor storage of motor vehicles and miscellaneous construction equipment and supplies with incidental storage of personal recreational vehicles will be compatible with the uses in the surrounding area, as well as provide an improvement to the property. Therefore, staff recommends approval of the project.

Attachments:
1. Draft Planning Commission Resolutions and Exhibits
2. Applicant Letter of Project Description
3. Location Map and Zoning Map
4. Site Photos
5. Site and Landscape Plan

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

Catherine Lamanski
829 W 17th Street, Suite 5
Costa Mesa, CA 92627

File: 110810PA1025	Date: 102810	Time:" 11:00 a.m.

ATTACHMENT 1

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA APPROVING PLANNING APPLICATION PA-10-25

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

WHEREAS, an application was filed by Catherine Lamanski, authorized agent for Commercial Way Partners LLC, owner of real property located at 135 Commercial Way, for Planning Application PA-10-25 for a conditional use permit to allow outdoor storage of motor vehicles and miscellaneous construction equipment and supplies. Incidental storage of personal recreational vehicles is also proposed;

WHEREAS, a duly noticed public hearing held by the Planning Commission on November 8, 2010 with all persons having the opportunity to speak and be heard for and against the proposal;

BE IT RESOLVED that, based on the evidence in the record and the findings contained in Exhibit "A," and subject to the conditions of approval contained within Exhibit "B," the Planning Commission hereby **APPROVES** Planning Application PA-10-25.

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-10-25 and upon applicant's compliance with each and all of the conditions 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 8th day of November, 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 November 8, 2010 by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS (PA-10-25 APPROVAL)

A. The proposed development and use comply with Costa Mesa Municipal Code Section 13-29(e) because:

1. The proposed use is compatible and harmonious with uses both on site as well as those on surrounding properties. The 8-foot high decorative block wall and required landscaping along the front of the property will minimize the visual impacts from offsite.
2. Safety and compatibility of the design of the buildings, parking areas, landscaping, and other site features including functional aspects of the site development such as automobile and pedestrian circulation have been considered.
3. The use is consistent with the General Plan and Zoning designations for the property.
4. The zoning 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) as follows:

(a) The proposed outdoor storage of motor vehicles and miscellaneous construction equipment and supplies with incidental storage of personal recreational vehicles is similar to the uses on the surrounding properties and therefore compatible with the existing commercial/industrial context. Many of these neighboring uses also feature similar outdoor storage of commercial equipment and vehicles.

(b) 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, because the use involves relatively quiet activities, and will be screened by decorative block walls, noise and visual impacts to surrounding properties are not anticipated. The use shall not involve any ongoing active operations, activities, materials, or equipment that will be hazardous or detrimental to any persons, property, or the general welfare of the public due to noise, smoke, fumes, or odors.

(c) 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. The proposal involves 22 outdoor storage spaces. The scale and intensity of this outdoor storage facility is considered consistent with the General Commercial General Plan designation.

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 15303, New Construction, of CEQA.

D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

EXHIBIT "B"

CONDITIONS OF APPROVAL:

Plng. 1. The use shall be limited to the type of operation described in the staff report and applicant's letters dated September 15, 2010, subject to conditions. Any change in the operational characteristics shall be subject to Planning Division review and may require an amendment to the conditional use permit, subject to either Zoning Administrator or Planning Commission approval, depending on the nature of the proposed change.

No approval is given for storage, sale or dumping of dismantled, obsolete or wrecked vehicles, recreational vehicles, trailers, motor vehicles, or vehicle parts in the outdoor storage yard.

The applicant is reminded that Code allows the Planning Commission to modify or revoke any planning application based on findings related to public nuisance and/or noncompliance with conditions of approval [Title 13, Section 13-29(o)].

2. Low profile motor vehicles and equipment which do not exceed 8 feet in height shall be located in the five parking spaces immediately behind the main block wall bordering Commercial Way. Motor vehicles that exceed 8 feet in height shall be located towards the middle to the rear of the property.
3. All storage items, excluding motor vehicles, such as materials and supplies shall be located in a container or underneath a covering. These materials shall not be stacked higher than the perimeter wall height in any area of the property unless expressly authorized by the Development Services Director.
4. All parking of employee vehicles shall occur on-site. A minimum of two standard sized, vehicle parking spaces shall be open and available for employee parking.
5. The proposed outdoor storage yard shall serve passive storage purposes only. The use shall not involve any active onsite operations or active use of stored materials, vehicles, and/or equipment without prior authorization by the Development Services Director. Motor vehicles shall not be permitted to idle on the property.
6. There shall be no signage on the property except for a maximum 15 square foot, non-illuminated sign located on the main block wall bordering Commercial Way.
7. Commercial servicing or repair of any motor vehicles (including construction and personal vehicles) on-site shall require prior approval from the Development Services Director.
8. Where walls and/or fences on adjacent properties already exist, the applicant shall work with the adjacent property owner(s) to prevent side-by-side walls with gaps in between them.
9. Prior to commence of the business/outdoor storage use on this property, a minimum three-foot wide irrigated, landscape planter shall be installed in front of the main wall bordering Commercial Way and a minimum five-foot wide

irrigated, landscaped planter shall be installed behind this main wall. The landscape plan shall conform to the City's Landscaping Standards and the plan shall include 24-inch box trees in the five-foot wide planter area to the satisfaction of the Development Services Director. The landscaping plan shall be submitted to the Planning Division for review and approval.

10. The subject property's ultimate finished grade level may not be filled/raised unless necessary to provide proper drainage, and in no case shall it be raised in excess of 30 inches above the finished grade of any abutting property. If additional fill dirt is needed to provide acceptable on-site storm water 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 storm water 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 be continuously maintained in working order. In any case, development of subject property shall preserve or improve the existing pattern of drainage on abutting properties.
11. The conditions of approval and Code requirements for Planning Application PA-10-25 shall be blueprinted on the face of the site plan as part of the plan check submittal package.
12. The applicant shall provide a security plan to the Planning Division for approval prior to permit final.
13. The applicant shall contact the Planning Division to arrange 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. 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.

RESOLUTION NO. PC-10-

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF COSTA MESA DENYING PLANNING APPLICATION PA-10-25

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

WHEREAS, an application was filed by Catherine Lamanski, authorized agent for Commercial Way Partners LLC, owner of real property located at 135 Commercial Way, for Planning Application PA-10-25 for a conditional use permit to allow outdoor storage of motor vehicles and miscellaneous construction equipment and supplies. Incidental storage of personal recreational vehicles is also proposed;

WHEREAS, a duly noticed public hearing held by the Planning Commission on November 8, 2010 with all persons having the opportunity to speak and be heard for and against the proposal;

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-10-25.

PASSED AND ADOPTED this 8th day of November, 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 November 8, 2010, by the following votes:

AYES: COMMISSIONERS

NOES: COMMISSIONERS

ABSENT: COMMISSIONERS

ABSTAIN: COMMISSIONERS

_____
Secretary, Costa Mesa
Planning Commission

EXHIBIT "A"

FINDINGS (PA-10-25 DENIAL)

A. The proposed outdoor storage does not comply with Costa Mesa Municipal Code Section 13-29(e) because:
   1. A compatible and harmonious relationship does not exist between the proposed use and uses on surrounding properties.
   2. The proposed project does not comply with the performance standards as prescribed in the Zoning Code.
   3. The proposed project is not consistent with the General Plan, Zoning Code, or Urban Plan.

B. Pursuant to Section 13-29(g)(5) of the Municipal Code, the proposed does not meet the broader goals of the General Plan and the Zoning Code by exhibiting excellence in design, site planning, integration of uses and structures, and protection of the integrity of neighboring development.

C. The Costa Mesa Planning Commission has denied Planning Application PA-10-25. 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.

D. The project is exempt from Chapter IX, Article 11, Transportation System Management, of Title 13 of the Costa Mesa Municipal Code.

ATTACHMENT 2

COMMERCIAL WAY PARTNERS
829 W. 17th Street, Suite 5
Costa Mesa, CA 92627
(949) 642-0660

September 15, 2010

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

Attn: Minoo Ashabi, Senior Planner

RE: 135 Commercial Way, Costa Mesa
Conditional Use Permit – PA-10-25

Dear Ms. Ashabi

Commercial Way Partners has requested a conditional use permit for the above referenced property. The intended use of the property is as follows:

- Storage of construction equipment & supplies for our existing construction company in Costa Mesa (per current zoning). This includes work trucks and small construction equipment (i.e bobcats, forklifts, etc.)
- Storage for Motorhomes and Boats (personal property of Owners)

The majority of activity at the location should be conducted during normal business hours. If you have any questions, please contact our office at (949) 642-0660.

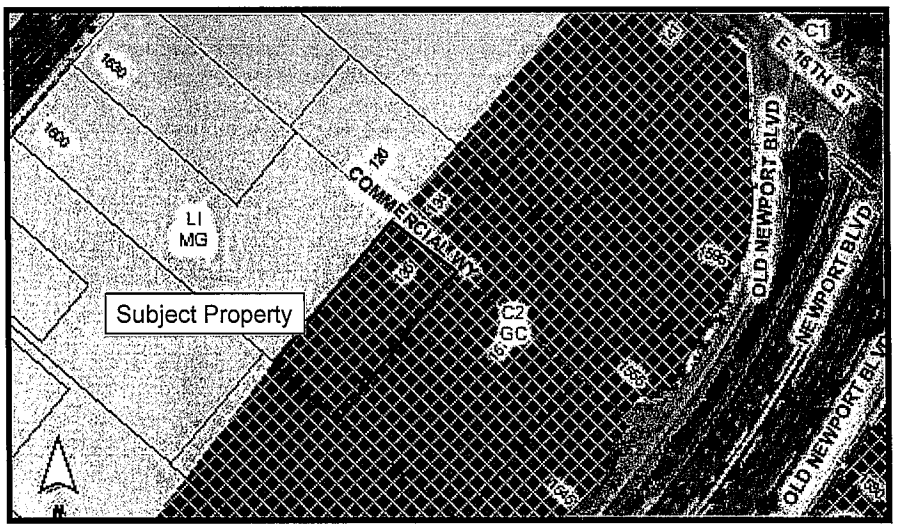
Sincerely

Catherine Lamanski

Catherine Lamanski
Project Engineer

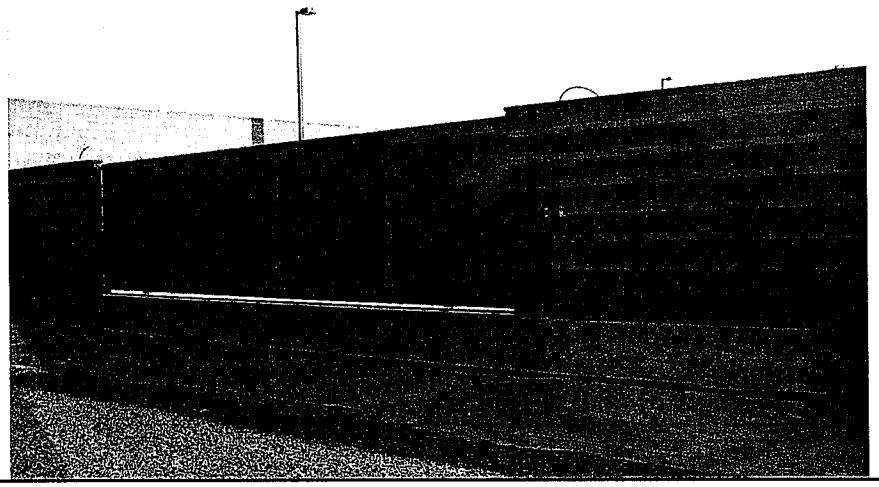
LOCATION MAP

ZONING MAP

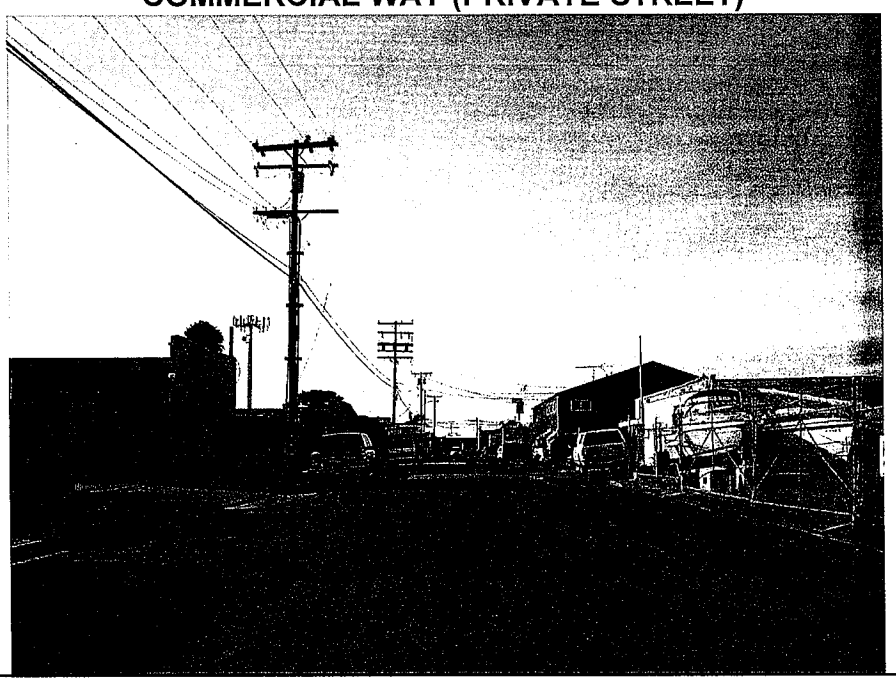


EXISTING DECORATIVE BLOCK WALL

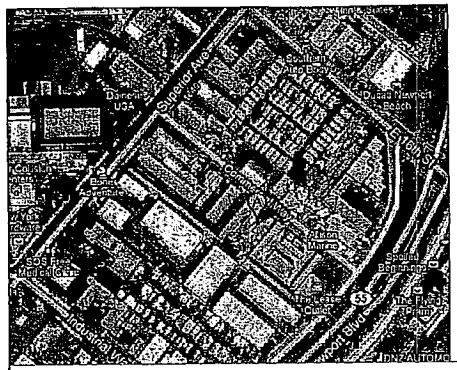
135 COMMERCIAL WAY



COMMERCIAL WAY (PRIVATE STREET)



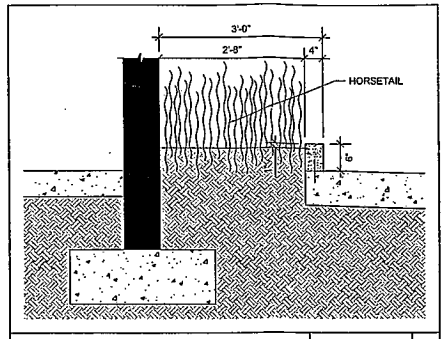
ATTACHMENT 5



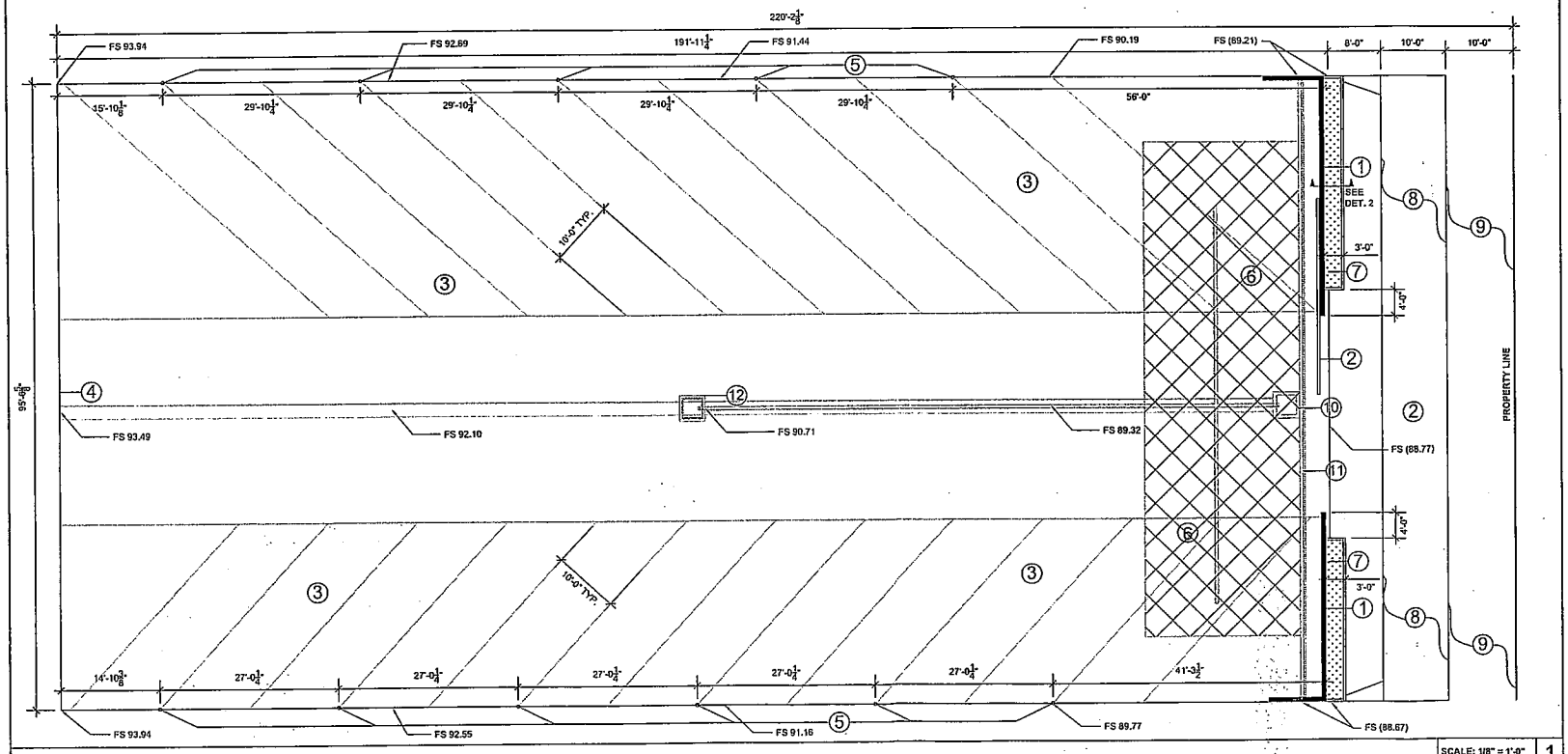
PROPERTY INFORMATION

PHYSICAL ADDRESS:
135 COMMERCIAL WAY
COSTA MESA, CA 92627

LAND PARCEL: *425-361-16*
LEGAL DESCRIPTION: *P BK 7 PG 45 PAR 1 UN*



PLANTER SECTION | SCALE: 1" = 1'-0" | 2



135 COMMERCIAL WAY | SCALE: 1/8" = 1'-0" | 1

17

NOTES:

1. REMOVE AND REPLACE EXISTING BROKEN FENCE AND REPLACE WITH NEW 8'-6"-TALL CMU WALL (DETAILS 2, 3 AND 4).
2. REPLACE BROKEN GATE WITH NEW 8'-0" TALL GATE.
3. REMOVE BROKEN CONCRETE AT PARKING AND STORAGE AREA AND REPLACE WITH NEW 10"-SECTION (4" OF ASPHALT OVER 6" OF CMB).
4. REMOVE AND REPLACE EXISTING HOSE BIBS WITH NEW.
5. RELOCATE 15 AMP POWER.
6. OCEANSAFE STORMWATER RECOVERY SYSTEM.
7. PLANTER.
8. LOADING ZONE OLNY.
9. ½ OF 20'-0"-WIDE FIRELANE.
10. CLASS V INJECTION WELL
11. CAST IN TRENCH DRAIN W/GRATE COVER
12. DRAIN BOX

SHAW & SONS
Structural and Architectural Concrete since 1948

135 COMMERCIAL WAY
PAVING PLAN

REV	DATE	ISSUED FOR
	06/09/10	REVIEW
1	06/09/10	REVIEW
2	06/17/10	REVIEW
3	07/22/10	REVIEW
4	07/23/10	PER AS BUILT
5	07/26/10	CONSTRUCTION
6	07/27/10	PER JW + JW + JC
7	08/05/10	PER RS
7A	08/05/10	PER RS
8	09/27/10	PER CITY REQS
9	09/28/10	PER CITY REQS
10	10/07/10	W/ELEVATIONS
11	10/11/10	PER CITY REQS
12	10/13/10	PLANTER REVS

DATE: OCTOBER 13, 2010
DRAWN BY: JTC
SHEET: SITE-PAVING-01
SCALE: SEE DETAILS

THIS DRAWING IS THE PROPERTY OF SHAW & SONS AND IS SUBMITTED IN CONFIDENCE FOR A SPECIFIED PURPOSE. IT IS NOT TO BE COPIED, NOR IS ANY INFORMATION OR DESIGN CONTAINED HEREIN TO BE DISCLOSED TO OTHERS.

FULL SIZE AT 24" X 36"